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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. W1-11-1129

ORDER TO INITIATE CONTESTED CASE

AND

ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re Cedric and Sally G. Martinez*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Case initiated and status conference set for **November 19, 2021 at 3:00 p.m.**
NUMBER OF PAGES: 17
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: Canyon Creek Properties, Joan Wuester, Michael and Patricia Hammerschmidt, Javier and Janet Cornejo, and Edwin Ulanday. This contested case is one of the many cases in the General Stream Adjudication

1 for the San Pedro River watershed to determine legal rights to water. 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 River Watershed. The General Adjudication
6 will also determine water rights in the Upper Salt, Verde, Upper Gila, Lower Gila, Agua Fria,
7 and Upper Santa Cruz watersheds.

8 In this case, Cedric G. Rameriz (“Claimant”) filed a Statement of Claimant on July 13,
9 1984 for rights to use water for domestic and irrigation purposes on land on three acres in Section
10 18 Township 23S Range 21E. The Arizona Department of Water Resources (“ADWR”)
11 investigated those claims and prepared a report known as Watershed File Report No. 111-23-
12 DBB-027(“WFR”) published in the Final San Pedro River Watershed Hydrographic Survey
13 Report (1991). A copy of the WFR is attached as Attachment A. A copy of the map prepared
14 by Arizona Department of Water Resources of the land investigated is attached as Attachment
15 B.

16 The WFR lists potential water rights for domestic and irrigation uses of water on the
17 land, and identified surface water as the source of water for the irrigation use. After ADWR
18 issued the WFR, objections were filed to the findings made in the WFR. The purpose of this
19 case is to consider the claims made for water rights that are the subject of the WFR and resolve
20 the objections to the WFR.

21 22 **Claimant & Landowners**

23
24 The WFR identified one Statement of Claimant (SOC) relevant to the potential water
25 right: 39-0655. Cedric G. Martinez filed the SOC claiming water for irrigation and domestic
26 uses from a creek in the San Pedro watershed. On March 18, 1989, Sally Martinez filed amended
27 Statements of Claimant 39-0655 that reported the death of Cedric Martinez and claimed water
28

1 rights for domestic, irrigation, and other uses from an instream pump. The public records
2 maintained by the ADWR do not include an assignment of the SOC or amended SOCs.

3 The WFR lists Cedric G. and Sally G. Martinez as the owners of the property described
4 in the WFR. The records of the Cochise County Assessor identify Canyon Creek Properties,
5 Joan Wuester, Michael and Patricia Hammerschmidt, Javier and Janet Cornejo, and Edwin
6 Ulanday as the owners of the property described in the WFR. A copy of a map prepared by the
7 Cochise County Assessor is attached as Attachment C. The public records of the Arizona
8 Department of Water Resources do not include a Statement of Claimant filed by Canyon Creek
9 Properties, Joan Wuester, Michael and Patricia Hammerschmidt, Javier and Janet Cornejo, or
10 Edwin Ulanday.

11 .
12
13 **IT IS ORDERED:**

14 1. Contested Case. This contested case shall be known as *In re Cedric and Sally G.*
15 *Martinez* and it will determine appropriable water rights asserted in the Statement of Claimant
16 and objections that were filed to Watershed File Report 111-23-DBB-027 published in the Final
17 San Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections can be
18 found under the case name and number on the following website:
19 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
20 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

21 2. Litigants. The litigants in this contested case are Sally G. Martinez, the current
22 landowners, all persons who filed objections to the WFR, who are included on Attachment C,
23 and parties who are allowed to intervene by order.

24
25 3. Court-Approved Mailing List.

26 A. The initial Court-approved mailing list for this case shall include all
27 persons listed on Attachment D to this order. The list may be modified
28

1 only by filing a motion with the Special Master to amend the Court-
2 approved mailing list. Litigants are responsible for using the current
3 Court-approved mailing list.

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

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

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


20 A. An initial status conference shall be held to determine whether the
21 Claimant, Canyon Creek Properties, Joan Wuester, Michael and Patricia
22 Hammerschmidt, Javier and Janet Cornejo, or Edwin Ulanday intend to
23 pursue claims for rights to appropriable water. If so, the parties seeking
24 water rights shall be prepared at the Status Conference to provide
25 information about efforts undertaken to assign or file a Statement of
26 Claimant.
27
28

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

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

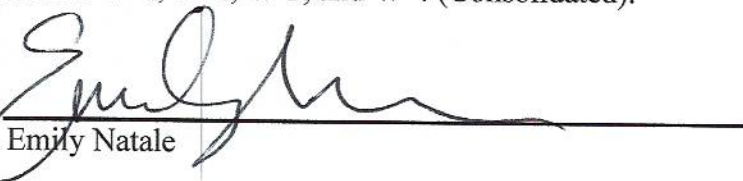
12
13 The Status Conference shall be held on **November 19, 2021 at 3:00 p.m.** The Status
14 Conference shall be held using the Court Connect program. Instructions for Court Connect are
15 attached as Attachment F. If you receive this Order by email, click on the red box "Join Court
16 Connect Hearing" on the attached instructions to make an appearance. If you do not receive this
17 Order by email, log into the Court Connect program on the internet by typing
18 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend
19 telephonically using the telephone number and access code included in the instructions for Court
20 Connect. A telephonic appearance may also be accomplished using the following directions:

21 Instructions for telephonic participation:
22 Dial: 602-506-9695 (local)
23 1-855-506-9695 (toll free long distance)
24 Dial Collaboration (conference) Code 357264#

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27 SUSAN WARD HARRIS
28 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 C, 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

 MARTINEZ, CEDRIC G.
 & SALLY G.

WATERSHED FILE
 REPORT NUMBER

 111-23-DBB-027

W1-11-1129

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
39-0000655	QUE.RECD	IRRIGATION DOMESTIC	.15 .08	18	230S	210E	1978	18	230S	210E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0000655	IRRIGATION DOMESTIC	IRRIGATION DOMESTIC		DM001, OT001

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
PO1	NESWSE18	230S	210E	MILLER CREEK PUMP	SURFACE WATER: SAN PEDRO RIVER

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DM001	NESWSE18	230S	210E		GROUNDWATER : CATALOGUED		NO	
OT001	SWSE18	230S	210E	PO1	SURFACE WATER	1985	NO	

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DM001	39-0000655	NONE		GROUNDWATER : CATALOGUED
OT001	39-0000655	NONE	1978 FILING 39-655	SURFACE WATER: SAN PEDRO RIVER

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF.	WATER DUTY	ESTIMATED VOLUME	REMARKS
DM001							
OT001	REGIONAL	1.3	AVE. CROP	50%	5.4 AF/AC	7.0 AFA	SEE VOLUME 1 - GENERAL ASSESSMENT

EXPLANATION

FILINGS AND DECREES

FILING 39-655 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH REFLECTS INFORMATION PREVIOUSLY PROVIDED IN THE ORIGINAL STATEMENT OF CLAIMANT.

DIVERSIONS

P1 - INSTREAM PUMP LOCATED ON MILLER CREEK.

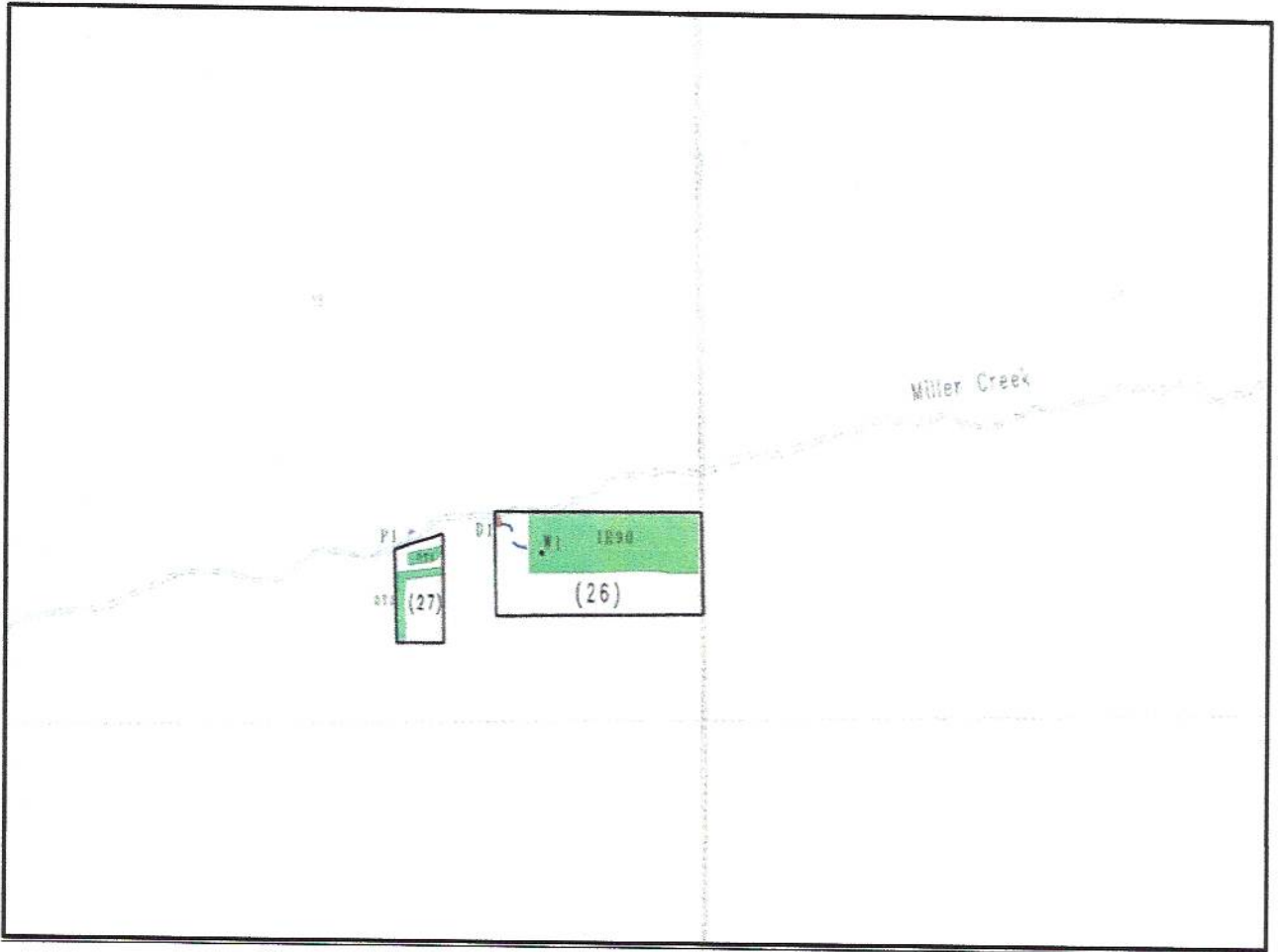
USES AND RESERVOIRS

DM1 - DOMESTIC USE.

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

ATTACHMENT B

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ATTACHMENT C

Parcel: 10409019A

[Tax Info](#)

Owner: CANYON CREEK
PROPERTIES

Address: 34 DE PALMA
SIERRA VISTA, AZ 85635

Acres: 1.07

Parcel: 10409019B

[Tax Info](#)

Owner: WUESTER JOAN L
Address: 1020 S CARMICHAEL AVE
APT 8301
SIERRA VISTA, AZ 85635

Acres: 1.07

**Parcel:
10409019C**

[Tax Info](#)

Owner:
HAMMERSCHMIDT
MICHAEL &
PATRICIA K

Address: 4477
CAMINO DEL
NORTE
SIERRA
VISTA, AZ 85635

(1 of 2)

Parcel: 10409019E

[Tax Info](#)

Owner:
CORNEJO JAVIER & JANET
Address:
4801 E VISTA GRANDE
HEREFORD, AZ 85615

Acres: 0.83

Board of Supervisor: Tom Crosby - Di
Election Precinct: 15 - HEREFORD
County Zoning: SM-36

[Street View courtesy of Google Maps](#)

[Street View courtesy of Bing](#)

Parcel: 10409019D

[Tax Info](#)

Owner: ULANDAY EDWIN
Address: 13245 N STONECROP LN
ORO VALLEY, AZ 85755

[Zoom to](#)

ATTACHMENT D

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

8 Canyon Creek PropertieS (D.M.). Inc.
9 David Martinez, statutory agent
10 34 De Palma
11 Sierra Vista, AZ 85635

12 Clerk of the Superior Court
13 Maricopa County
14 Attn: Water Case
15 601 West Jackson Street
16 Phoenix, AZ 85003

17 Edwin Ulanday Edwin
18 13245 N Stonecrop Ln
19 Oro Valley, Az 85755

20 Gila River Indian Community
21 Linus Everling and Thomas L. Murphy
22 Office of the General Counsel
23 P. O. Box 97
24 Sacaton, AZ 85147

25 Javier & Janet Cornejo
26 4801 E Vista Grande
27 Hereford, Az 85615

28 Joan L Wuester
1020 S Carmichael Ave Apt 8301
Sierra Vista, Az 85635

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

Michael & Patricia K Hammerschmidt
4477 Camino Del Norte
Sierra Vista, Az 85635

1 Richard Palmer, Jr., Jeremiah Weiner
2 and Lauren Mulhern
3 Rosette, LLP
4 565 W. Chandler Blvd. Suite 212
5 Chandler, AZ 85225

6 Sally Martinez
7 34 de Palma
8 Sierra Vista, AZ 85635

9 Sue Montgomery, Robin Interpreter, J. Tomkus
10 Montgomery & Interpreter, Plc
11 3301 E. Thunderbird Road
12 Phoenix, AZ 85032

13 Special Master Susan Ward Harris
14 Superior Court of Arizona
15 201 W. Jefferson Street
16 Courtroom 301
17 Phoenix, AZ 85003

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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.

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 F



Court Connect Hearing Notice for In re Cedric and Sally G. Martinez

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 Cedric and Sally G. Martinez, Contested Case No. W1-11-1129

Start Date/Time: November 19, 2021 at 3:00 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](#)

