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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. W1-11-1344

ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re McDowell & Craig Manufacturing Co.*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Status conference set for **December 2, 2021 at 2:00PM**

NUMBER OF PAGES: 15

DATE OF FILING: September 17, 2021

General Explanation

This Order begins the process necessary to adjudicate claims for rights under state law to appropriable water for use on land in Section 22 Township 23S Range 22E that the Cochise County Assessor has identified as owned by Rebecca Davis, and Susan R. Kolbe trustee of the Susan R. Kolbe Living Trust, and Echoing Hope Ranch.

1 McDowell & Craig Mfg. Co., a California corporation, filed Statements of Claimant
2 (“SOC”) 39-3796, 39-3797, 39-3798, 39-3799, and 39-11030 (collectively “SOCs” for state law
3 rights to use appropriable water on land in Section 22 Township 23S Range 22E. The Arizona
4 Department of Water Resources, (“ADWR”) investigated those claims and prepared Watershed
5 File Report 111-24-CBB-003 (“WFR”) published in the Final San Pedro River Watershed
6 Hydrographic Survey Report (1991). Based on its investigation, ADWR found potential water
7 rights for domestic, irrigation, and stock use on the land. A copy of the WFR is attached as
8 Attachment A. The land included with the boundaries of the WFR is shown on the map attached
9 as Attachment B and labeled as “(3)”.

10 The Arizona Department of Water Resources identified three wells and a spring as the
11 sources of water for the claimed uses. It has determined that wells 1, 2, and 3 are within the
12 subflow zone. This case has been consolidated with *In re San Pedro Riparian National*
13 *Conservation Area* contested case no. W1-11-232. However, there are two parcels of land within
14 the WFR that the Cochise County Assessor shows as privately owned and not part of the San
15 Pedro Riparian National Conservation Area. Tax parcels 104-38-012D and 104-38-012E, owned
16 by Rebecca Davis, and Susan R. Kolbe trustee of the Susan R. Kolbe Living Trust, and Echoing
17 Hope Ranch respectively, are the subject of this contested case. A copy of the map prepared by
18 the Cochise County Assessor is attached as Attachment C.

19
20 **Claimant & Landowners**

21
22 The WFR linked the SOC to potential water rights for irrigation, domestic, and stock
23 uses. On July 18, 1995, McDowell & Craig Mfg. Co. assigned the SOC to The Nature
24 Conservancy. On June 22, 1995, The Nature Conservancy assigned the SOC to Walter R. and
25 Mayola Kolbe, the Claimants. The public records maintained by ADWR do not include
26 assignments of the SOC from Walter R. and Mayola Kolbe to successor landowners.

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2 **IT IS ORDERED:**

3 1. Status Conference. A status conference shall be held to determine whether the
4 Claimants and the current landowners intend to pursue claims for rights to appropriable water
5 for irrigation, domestic, or stock use. The Status Conference shall be held on **December 2, 2021**
6 **at 2:00 p.m.** The Status Conference shall be held using the Court Connect program. Instructions
7 for Court Connect are attached as Attachment D. If you receive this Order by email, click on
8 the red box "Join Court Connect Hearing" on the attached instructions to make an appearance.
9 If you do not receive this Order by email, log into the Court Connect program on the internet by
10 typing <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may
11 attend telephonically using the telephone number and access code included in the instructions
12 for Court Connect. An appearance may also be made telephonically using the following
13 instructions:
14

15
16 Dial: 602-506-9695 (local)

17 1-855-506-9695 (toll free long distance)

18 Dial Collaboration (conference) Code 357264#

19 2. Litigants. The litigants in this contested case are all persons on the current court-
20 approved mailing list for contested case In re San Pedro Riparian National Conservation Area as
21 well as the Claimants and the current landowners.

22
23 3. Court-Approved Mailing List. The Court-Approved Mailing List for this
24 contested case, which is consolidated with In re San Pedro Riparian National Conservation Area
25 No. W1-11-232, shall be amended to include the Claimants, the landowners, and the objectors
26 in contested case W1-11-1344 as listed on Attachment E.

27 4. Distribution by Email. The Clerk of the Court will send copies of all minute
28 entries and orders issued in this case to the parties listed on the Court-approved mailing list.

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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 F.


SUSAN WARD HARRIS
Special Master

On September 17, 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 as well as the landowners and Claimants.


Emily Natale

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ATTACHMENT A

LAND OWNER

 MCDOWELL CRAIG MFG. CO.

WATERSHED FILE
 REPORT NUMBER

 111-24-CBB-003

W1-11-1344

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
36-0038468		IRRIGATION DOMESTIC OTHER		NW22	230S	220E	1923			
39-0003796		STOCK	4.00	SESWNW22	230S	220E	1925	SESWNW22	230S	220E
39-0003797		STOCK	3.50	NENW22	230S	220E	1916	NENW22	230S	220E
39-0003798		DOMESTIC	6.00	SENW22	230S	220E	1910	NESENW22	230S	220E
39-0003799 +		IRRIGATION	840.00	NW22	230S	220E	1951	SESENW22	230S	220E
39-0011030 x		IRRIGATION DOMESTIC STOCK		22	230S	220E	1910			

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0038468	IRRIGATION DOMESTIC OTHER	IRRIGATION DOMESTIC NONE		DM001, IRO01, IRO02 IRO03, IRO04, IRO05
39-0003796	STOCK	STOCKWELL	WO2	SPO01
39-0003797	STOCK	STOCK	SO1	DM001
39-0003798	DOMESTIC	DOMESTIC	WO3	IRO01, IRO02, IRO03 IRO04, IRO05
39-0003799	IRRIGATION	IRRIGATION	WO1	DM001, IRO01, IRO02 IRO03, IRO04, IRO05 SPO01
39-0011030	IRRIGATION DOMESTIC STOCK	IRRIGATION DOMESTIC STOCK	SO1, WO1, WO2 WO3	

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
SO1	NENENW22	230S	220E	UNNAMED SPRING	SURFACE WATER: SAN PEDRO RIVER
WO1	SESENW22	230S	220E	UNNAMED	GROUNDWATER : ZONE 2
WO2	SESWNW22	230S	220E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO3	SESENW22	230S	220E	UNNAMED	GROUNDWATER : CATALOGUED

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DM001	NESENW22	230S	220E	WO3	GROUNDWATER : CATALOGUED		NO	
	SESENW22	230S	220E					
	SESENW22	230S	220E					
IRO01	NW22	230S	220E	WO1, WO2	GROUNDWATER : ZONE 1 GROUNDWATER : ZONE 2	1935	NO	
IRO02	NWNW22	230S	220E	WO1, WO2	GROUNDWATER : ZONE 1 GROUNDWATER : ZONE 2	1955	NO	
	SENW22	230S	220E					
	SWNW22	230S	220E					
IRO03	NWNW22	230S	220E	WO1, WO2	GROUNDWATER : ZONE 1 GROUNDWATER : ZONE 2	1964	NO	
	SENW22	230S	220E					
	SWNW22	230S	220E					
IRO04	SENW22	230S	220E	WO1, WO2	GROUNDWATER : ZONE 1 GROUNDWATER : ZONE 2	1976	NO	
IRO05	NE22	230S	220E	WO1, WO2	GROUNDWATER : ZONE 1 GROUNDWATER : ZONE 2	1984	NO	

PWR #	SECTION	LOCATION TWP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SPOO1	NENENW22	230S	220E	S01	SURFACE WATER	1984	UNNAMED	STOCKWATERING

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DMOO1	39-0003798 39-0003798 39-0011030	36-0038468			GROUNDWATER : CATALOGUED
IROO1	39-0003796 39-0003799 39-0011030	36-0038468	1923 FILING	36-38468	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER GROUNDWATER : ZONE 2
IROO2	39-0003796 39-0003796 39-0003799 39-0011030	36-0038468	1955	1955 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER GROUNDWATER : ZONE 2
IROO3	39-0003796 39-0003796 39-0003799 39-0011030	36-0038468	1964	1964 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER GROUNDWATER : ZONE 2
IROO4	39-0003796 39-0003799 39-0011030	36-0038468	1976	1976 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER GROUNDWATER : ZONE 2
IROO5	39-0003796 39-0003796 39-0003799 39-0011030	36-0038468	1984	1984 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER GROUNDWATER : ZONE 2
SPOO1	39-0003797 39-0011030	NONE	1984	1984 AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT
IROO1	MAX. OBSERVED REGIONAL	75.3	MULTI.CROPS	47%	5.0 AF/AC	376.5 AFA	
	MAX. POTENTIAL	75.3	AVE. CROP	50%	5.4 AF/AC	406.6 AFA	
IROO2	MAX. OBSERVED REGIONAL	10.5	MULTI.CROPS	58%	3.5 AF/AC	36.8 AFA	
	MAX. POTENTIAL	10.5	AVE. CROP	50%	5.4 AF/AC	56.7 AFA	
IROO3	MAX. OBSERVED REGIONAL	35.0	MULTI.CROPS	50%	1.4 AF/AC	49.0 AFA	
	MAX. POTENTIAL	35.0	AVE. CROP	50%	5.4 AF/AC	189.0 AFA	
IROO4	MAX. OBSERVED REGIONAL	2.8	SUMMER PSTR	50%	5.5 AF/AC	15.4 AFA	
	MAX. POTENTIAL	2.8	AVE. CROP	50%	5.4 AF/AC	15.1 AFA	
IROO5	MAX. OBSERVED REGIONAL	43.7	PERM. PSTR	68%	3.5 AF/AC	153.0 AFA	DEFICIT IRRIGATION
	MAX. POTENTIAL	43.7	AVE. CROP	50%	5.4 AF/AC	236.0 AFA	
SPOO1	MAX. AREA/CAP	LT 2.0	ALFALFA	68%	4.9 AF/AC	214.1 AFA	
						LTE 15.0 AF	

EXPLANATION

FILINGS AND DECREES

FILING 36-38468 - CLAIMS IRRIGATION, DOMESTIC, AND OTHER USES. THE CLAIMED "OTHER" USE IS FOR A FISH POND. NO OTHER USES WERE FOUND AT THE CLAIMED LOCATION.

DIVERSIONS

- S1 - SPRING PROVIDES WATER FOR STOCKPOND USE.
- W1 & W2 - WELLS PROVIDE WATER FOR IRRIGATION USES.
- W3 - A CATALOGUED WELL PROVIDES WATER FOR DOMESTIC USES.

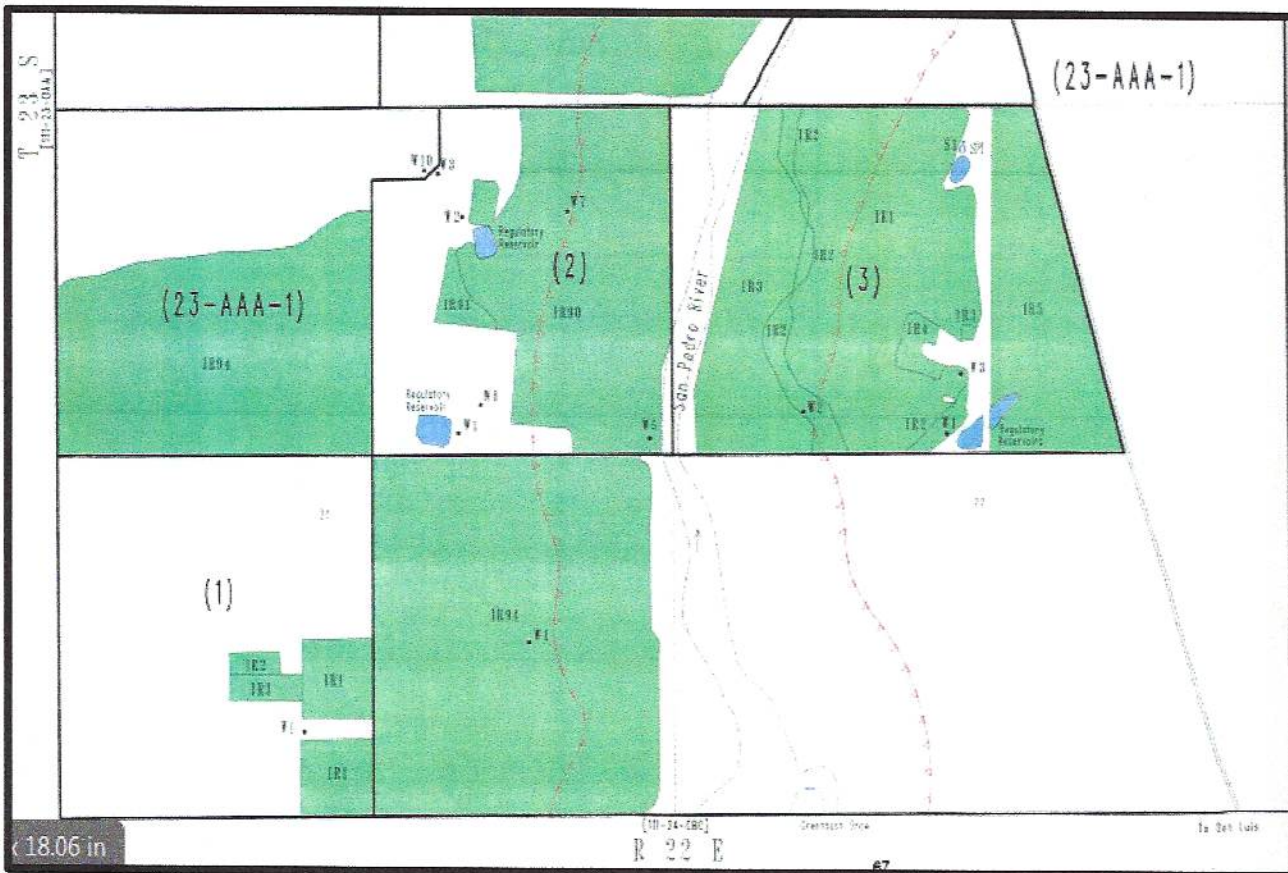
USES AND RESERVOIRS

- DM1 - DOMESTIC USE.
- IR1-IR3 - IRRIGATED MULTIPLE CROPS (PASTURE AND SMALL GRAINS).
- IR4 & IR5 - IRRIGATED PASTURE.

SP1 - UNNAMED STOCKPOND.

A REGULATORY RESERVOIR, SUPPLIED BY WELL W1, IS USED FOR IRRIGATION PURPOSES.

ATTACHMENT B

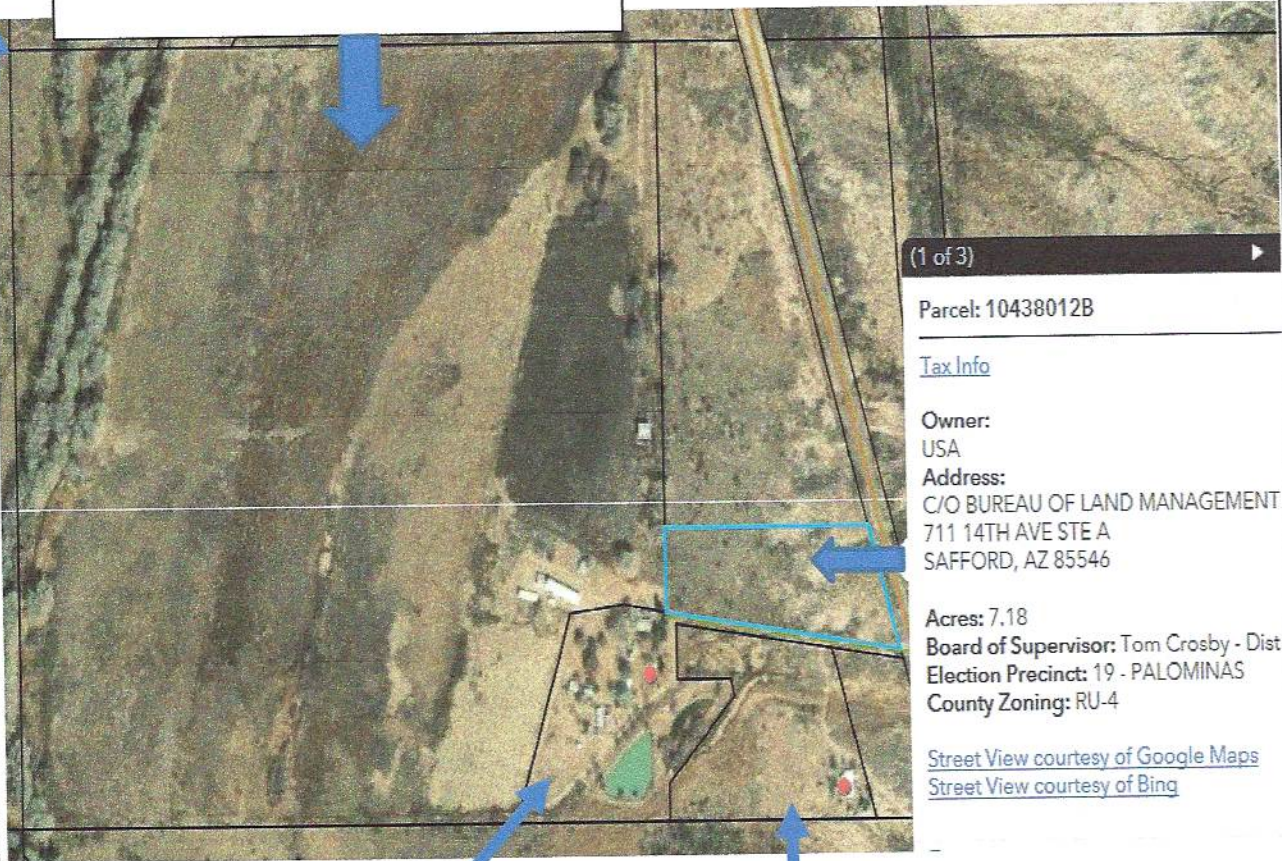


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ATTACHMENT C

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Parcel: 10438002A
[Tax Info](#)
Owner: USA
Address: C/O BLM 711 14TH AVE STE A
SAFFORD, AZ 85546
Acres: 152.94



(1 of 3)

Parcel: 10438012B

[Tax Info](#)

Owner:
USA
Address:
C/O BUREAU OF LAND MANAGEMENT
711 14TH AVE STE A
SAFFORD, AZ 85546

Acres: 7.18
Board of Supervisor: Tom Crosby - Dist
Election Precinct: 19 - PALOMINAS
County Zoning: RU-4

[Street View courtesy of Google Maps](#)
[Street View courtesy of Bing](#)

Parcel: 10438012E
[Tax Info](#)
Owner: ECHOING HOPE RANCH
Address: PO BOX 4471
BISBEE, AZ 85603
Acres: 10.61

Parcel: 10438012D
[Tax Info](#)
Owner: KOLBE SUSAN R LIVING
TRUST DAVIS REBECCA
Address: 3816 E SHANGRI LA RD
PHOENIX, AZ 85028
Acres: 9.43

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ATTACHMENT D



Court Connect Hearing Notice for In re McDowell & Craig Manufacturing Co.

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 McDowell & Craig Manufacturing Co, Contested Case No. W1-11-1344

Start Date/Time: December 2, 2021 at 2:00 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](#)



ATTACHMENT E

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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

Bella Vista Ranches Ltd. Partnership
Daniel Cracchiolo
702 E. Osborn
P.O. Box 16882
Phoenix, AZ 85011

BHP Copper, Inc.
John D. Burnside
Snell & Wilmer, L.L.P.
400 E. Van Buren Street, Ste 1900
Phoenix, AZ 85003

Clerk of the Superior Court
Maricopa County
Attn: Water Case
601 West Jackson Street
Phoenix, AZ 85003

Echoing Hope Ranch
P.O. Box 4471
Bisbee, AZ 85603

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

1 Harlie Garcia
2 Echoing Hope Ranch
3 8344 S. Hereford Rd.
4 Hereford, AZ 85615

5 Joe P. Sparks and Laurel A. Herrmann
6 The Sparks Law Firm, P.C.
7 7503 First Street
8 Scottsdale, AZ 85251-4573

9 Laura Nelson, as trustee
10 Kolbe Family Living Trust
11 c/o Sarah Ransom
12 Copeland Law Offices, PLLC
13 9017 North 57th Drive
14 Glendale, AZ 85302

15 Laura Nelson, as trustee
16 Kolbe Family Living Trust
17 11522 Spicewood Pkwy.
18 Austin, TX 78750

19 Liberty Utilities (Bella Vista Water) Corp.
20 CT Corporation
21 3800 N. Central Ave. Ste. 460
22 Phoenix, AZ 85012

23 Pueblo Del Sol Water Company
24 Corporation Service Company
25 2338 W. Royal Palm Rd. Ste. J
26 Phoenix, AZ 85021

27 R. Lee Leininger
28 U.S. Department of Justice
Natural Resources Section
999 18th Street, So Terrace, Suite 370
Denver, CO 80202

Rebecca Davis
3816 E. Shangri-La Rd.
Phoenix, AZ 85028

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

1 Salt River Project

2 John B. Weldon, Jr., Mark A. McGinnis, and Michael Foy

3 Salmon, Lewis & Weldon PLC

4 2850 E Camelback Rd, Ste. 200

5 Phoenix, AZ 85016

6 S. Montgomery, R. Interpreter, J. Tomkus

7 Montgomery & Interpreter, Plc

8 3301 E. Thunderbird Road

9 Phoenix, AZ 85032

10 Special Master Susan Ward Harris

11 Superior Court of Arizona

12 201 W. Jefferson Street

13 Courtroom 301

14 Phoenix, AZ 85003

15 Susan R. Kolbe, as trustee

16 Susan R. Kolbe Living Trust

17 3816 E. Shangri-La

18 Phoenix, AZ 85028

19 Tonto Apache Tribe

20 c/o Richard Palmer, Jr., Jeremiah Weiner, & Lauren Mulhern

21 Rosette, LLP

22 565 W. Chandler Blvd. Suite 212

23 Chandler, AZ 85225

24 U.S. Department of Justice

25 Patrick Barry

26 Environment and Natural Resources

27 P.O. Box 7611

28 Washington, D.C. 20044-7611

Walter R. and Mayola C. Kolbe

8326 Hereford Road

Hereford, AZ 85615

William Sullivan

Law Offices of William P. Sullivan P.L.L.C.

3240 E. Union Hills Drive, Ste. 117

Phoenix, AZ 85050