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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. W1-11-1346  
  
ORDER TO FILE NOTICE

CONTESTED CASE NAME: *In re Robert W. Boucher*  
  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report  
  
DESCRIPTIVE SUMMARY: Casa de la Orilla LLC shall file a Notice upon receipt of documents requested from the National Archives. The Notice shall include the estimated amount of time necessary to file forms with Arizona Department of Water Resources and amount of time estimated to contact and discuss objections with Objectors.  
  
NUMBER OF PAGES: 12  
  
DATE OF FILING: December 7, 2021

**General Explanation**

This contested case was initiated and consolidated with *In re San Pedro Riparian National Conservation Area*, W1-11-232. By Order dated December 6, 2021, this contested case was severed from *In re San Pedro Riparian National Conservation Area*. This Order begins

1 the process necessary to adjudicate claims for rights under state law to appropriable water for  
2 land that the Cochise County Assessor has identified as owned by Casa de la Orilla LLC.

3 First National Bank of Arizona and Charles J. Leftault as Co-trustees (“Claimants”) filed  
4 a Statement of Claimant on July 13, 1984 for rights to use water for a stock pond and irrigation  
5 purposes. The Arizona Department of Water Resources (“ADWR”) investigated those claims  
6 and prepared a report known as Watershed File Report No. 111-24-CBB-005 (“WFR”) published  
7 in the Final San Pedro River Watershed Hydrographic Survey Report (1991). A copy of the  
8 WFR is attached as Attachment A. A copy of the map prepared by ADWR is attached as  
9 Attachment B on which the land is labelled as “(5)”.

10 The WFR found an irrigation use on land in SWNW Section 15 Township 23S Range  
11 22E. After ADWR issued the WFR, objections were filed to the findings made in the WFR.  
12 The purpose of this case is to consider the claims made for water rights that are the subject of the  
13 WFR and resolve the objections to the WFR.

14 The Arizona Department of Water Resources identified a well as the source of water for  
15 the claimed use. It has determined that the well is within the subflow zone. The Cochise County  
16 Assessor shows the land as tax parcel 104-34-002B owned by Casa de la Orilla LLC. A copy  
17 of the map prepared by the Cochise County Assessor is attached as Attachment C.

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19  
20 **Claimant & Landowners**

21 The WFR identified one Statement of Claimant (SOC) relevant to the potential water  
22 right: 39-2258. The WFR lists Robert W. Boucher as the owner of the property described in the  
23 WFR. The public records maintained by the ADWR do not include an assignment of the SOC  
24 from the Claimant to the successor landowner. The records of the Cochise County Assessor list  
25 Casa de la Orilla LLC as the current owner of the property described in the WFR. The public  
26 records also do not include a Statement of Claimant filed by Casa de la Orilla LLC.

1 **IT IS ORDERED:**

2 1. Contested Case. This contested case shall be known as *In re Robert W. Boucher*  
3 and it will determine appropriable water rights asserted in the Statement of Claimant and  
4 objections that were filed to Watershed File Report 111-24-CBB-005 published in the Final San  
5 Pedro River Watershed Hydrographic Survey Report (1991). Copies of the objections can be  
6 found under the case name and number on the following website:  
7 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)  
8 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

9 2. Litigants. The litigants in this contested case are the Claimant, the current  
10 landowners, all persons who filed objections to the WFR, who are included on Attachment C,  
11 and parties who are allowed to intervene by order. On December 3, 2021 William P. Sullivan  
12 filed Motion to Withdraw as Attorney of Record for Bella Vista LTD Partnership, Bella Vista  
13 Ranches LTD Partnership and Daniel Cracchiolo with Consent. The motion, which was granted  
14 via Order dated December 6, 2021, requests that William P. Sullivan, PLLC, Bella Vista LTD  
15 Partnership, Bella Vista Ranches LTD Partnership, and Daniel Cracchiolo not be included in the  
16 court approved mailing list for this contested case.

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18 3. Court-Approved Mailing List.

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

24 B. A copy of any pleading filed with the Clerk of the Maricopa County  
25 Superior Court in this case shall be served upon each person listed on the  
26 Court-approved mailing list.  
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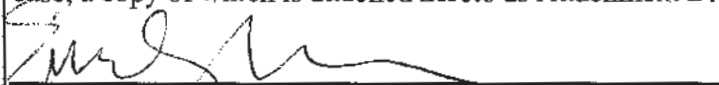
C. Claimants wishing to be added or removed from the mailing list shall file a motion with the Special Master. Parties who are allowed to intervene will be automatically added to the Court-approved mailing list.

D. The Clerk of the Court 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. Notice. Casa de la Orilla LLC shall file a Notice upon receipt of documents requested from the National Archives. The Notice shall include the estimated amount of time necessary to file forms with Arizona Department of Water Resources and amount of time estimated to contact and discuss objections with Objectors.

  
SUSAN WARD HARRIS  
Special Master

On December 7, 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 D.

  
Emily Natale

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# **ATTACHMENT A**

W1-11-1346

LAND OWNER	WATERSHED FILE REPORT NUMBER
BOUCHER, ROBERT W.	111-24-CBB-005

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
39-0002258		IRRIGATION	64.00	SWNW15	230S	220E	1930	NWSWNW15	230S	220E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0002258	IRRIGATION	IRRIGATION	W01	IROO1

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W01	SWSWNW15	230S	220E	EXPER. FARM WELL	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
IROO1	SWNW15	230S	220E	W01	GROUNDWATER : ZONE 1	1976	NO	

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
IROO1	39-0002258	NONE	1976	1976 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IROO1	MAX. OBSERVED	2.6	MULTI.CROPS	67%	3.6 AF/AC	9.4 AFA	
	REGIONAL	10.4	AVE. CROP	50%	5.4 AF/AC	56.2 AFA	
	MAX. POTENTIAL	10.4	ALFALFA	67%	5.0 AF/AC	52.0 AFA	

EXPLANATION

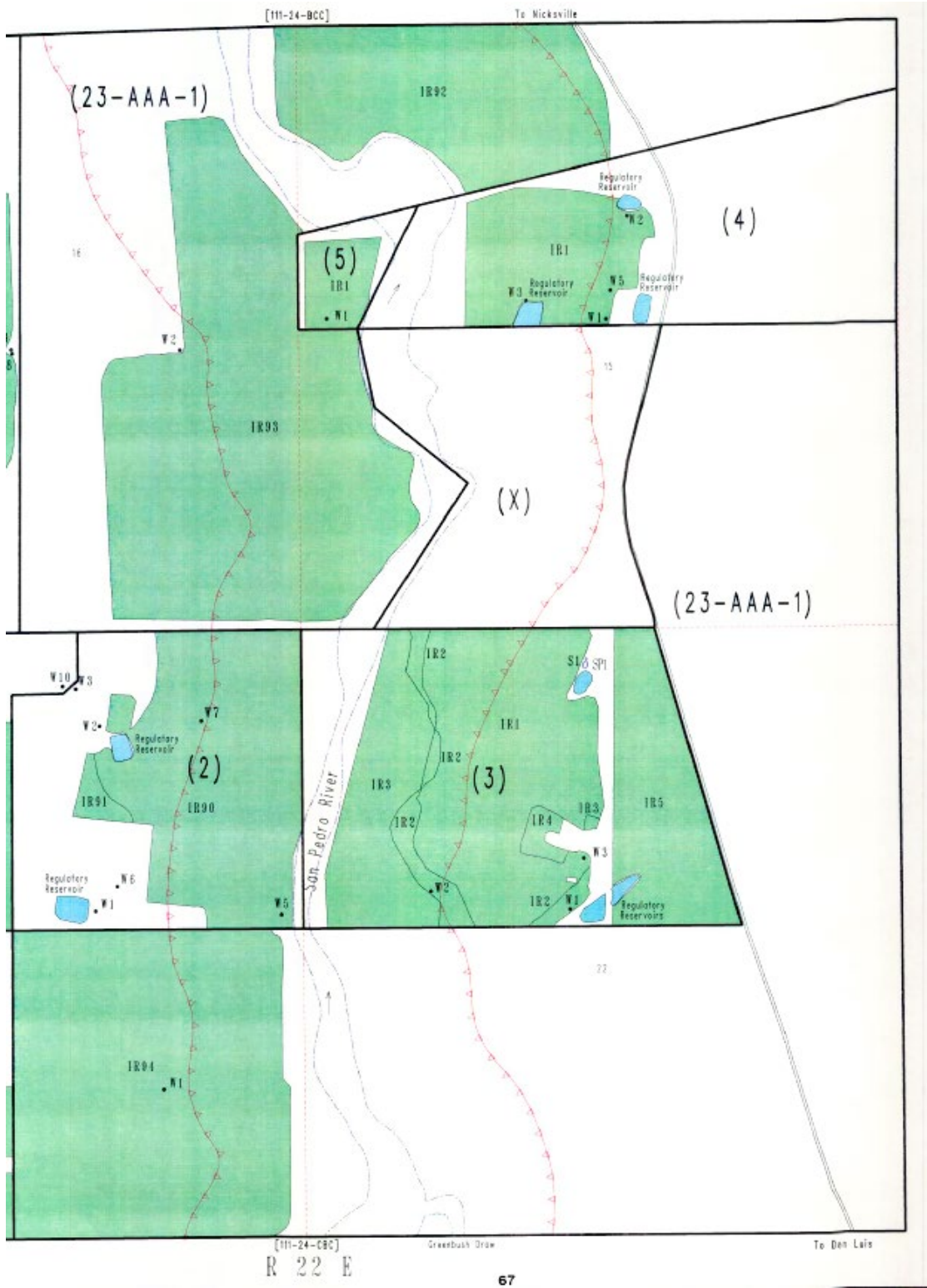
DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION USES.

USES AND RESERVOIRS

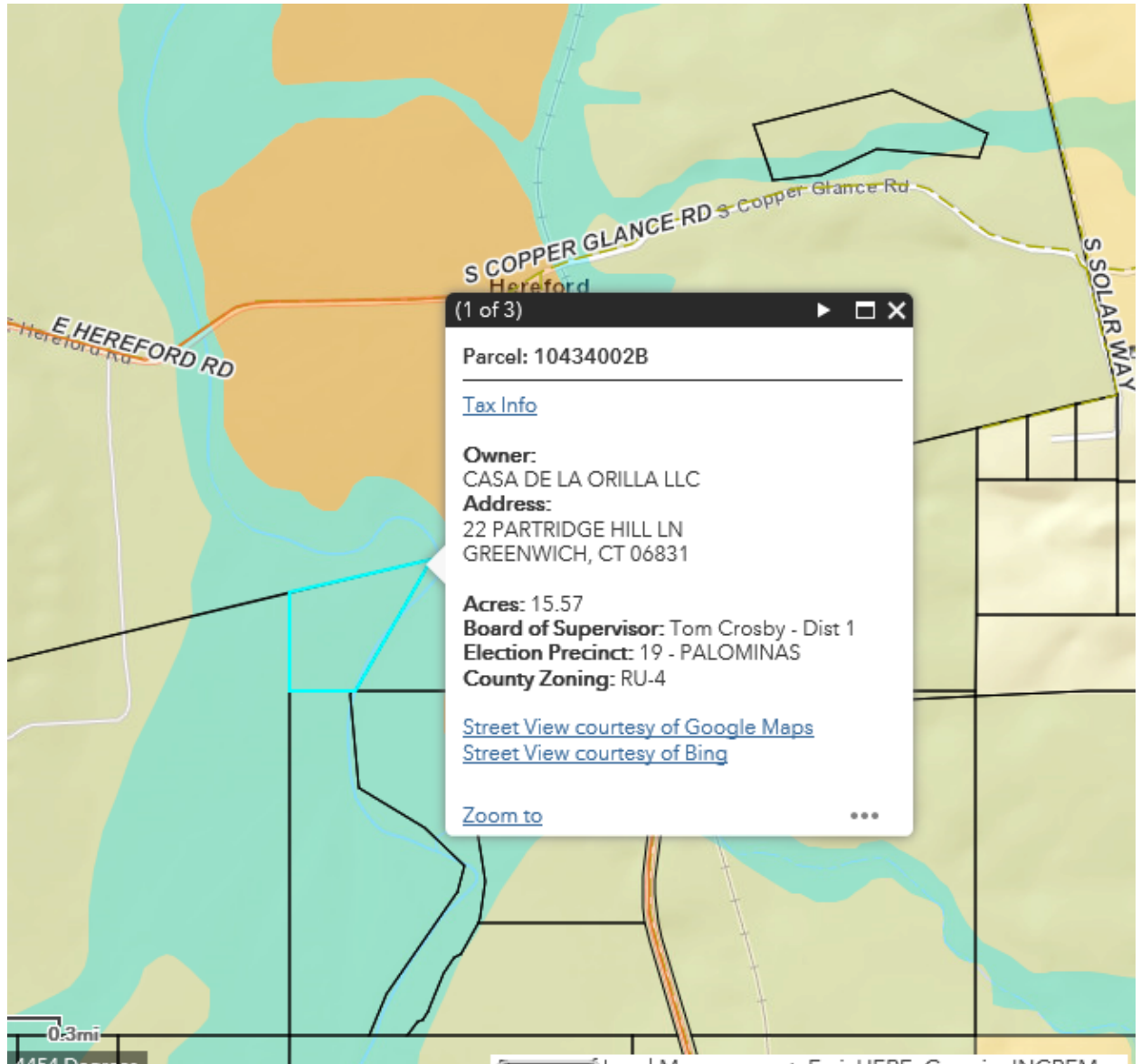
IR1 - IRRIGATED MUTIPLE CROPS (PECANS AND NO CROP).

# ATTACHMENT B



# ATTACHMENT C

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# ATTACHMENT D

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Arizona Department of Water Resources  
Kimberly Parks  
P. O. Box 36020  
Phoenix, AZ 85067

ASARCO Incorporated  
Lauren J. Caster, Bradley Pew  
Fennemore Craig, P.C.  
2394 East Camelback Road  
Suite 600  
Phoenix, AZ 85016

Bella Vista Water Company  
Nicksville Water Company  
4055 Campus Dr.  
Sierra Vista, AZ 85635

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

Casa de la Orilla LLC  
D. A. Brown, J. Albert Brown, Amy Brown  
Garrett W. Perkins of Brown & Brown  
Law  
P. O. Box 1890  
St. Johns, AZ 85936

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

The United States  
F Patrick Barry  
U.S. Department of Justice  
P.O. Box 7611  
Washington, DC 20044-7611

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

Pueblo Del Sol Water Company  
Corporation Service Company  
2338 West. Royal Palm Rd, Suite J  
Phoenix, AZ 85021

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

Salt River Project  
J. B. Weldon, M. A. McGinnis, M. K. Foy  
Salmon, Lewis & Weldon  
2850 E. Camelback Rd. Suite 200  
Phoenix, AZ 85016

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

Special Master Susan Ward Harris  
Superior Court of Arizona  
201 W. Jefferson Street  
Courtroom 301  
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](mailto:Mayra.Antelo@Maricopa.Gov).

Preferred email address:

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Alternate email address:

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Physical address:

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Phone number:

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Firm Name:

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Name [Printed]:

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Signature:

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Date:

---

Thank you,

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