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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. W1-11-1507

ORDER TO INITIATE CONTESTED CASE
AND
ORDER TO SET STATUS CONFERENCE

CONTESTED CASE NAME: *In re R.T. and Marjorie Bickhard*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Contested case W1-11-1507 initiated and status conference set for **February 17, 2022 at 1:30 p.m.**

NUMBER OF PAGES: 17

DATE OF FILING: December 29, 2021

General Explanation

This Order begins the process necessary to adjudicate claims for rights to appropriate water for land that the Cochise County Assessor has identified as owned by John S. Szilasi. This contested case is one of the many cases in the General Stream Adjudication for the San Pedro

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

7 In this case, Guy F. McCafferty (“Claimant”) filed a Statement of Claimant for rights to
8 use water for irrigation and stock watering purposes on land in section 7 Township 16S Range
9 20E. The Arizona Department of Water Resources investigated those claims and prepared a
10 report known as Watershed File Report 112-14-DDB-006 (“WFR”) published in the Final San
11 Pedro River Watershed Hydrographic Survey Report (1991). The WFR identified potential
12 water rights for domestic and irrigation uses. Three wells serve as the source of water for the
13 claimed uses. Arizona Department of Water Resources has determined that the wells are located
14 in the subflow zone. A copy of the Watershed File Report is attached as Attachment A. A copy
15 of the map prepared for the WFR is attached as Attachment B and the land involved here is
16 labelled as “(6)”.

17 After ADWR issued the WFR, objections were filed to the findings made in the WFR.
18 The purpose of this case is to consider the claims made for water rights that are the subject of the
19 WFR and resolve the objections to the WFR.
20

21 **Claimant & Landowner**

22 The WFR identified Statement of Claimant 39-3810 (“SOC”) as the relevant filing for
23 the potential water rights. Guy F. McCafferty filed the SOC claiming stock watering and
24 irrigation water rights. The public records maintained by ADWR do not show an assignment of
25 the SOC from Guy F. McCafferty to a successor landowner.
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1 R.T. Bickhard Jr. and Marjorie J. Bickhard are named in the WFR as the owners of the
2 property described in the WFR. According to a deed on file with the Cochise County
3 Recorder, R.T. Bickhard Jr. and Marjorie J. Bickhard conveyed property in Section 7, Township
4 16S Range 20E to John S. Szilasi. See Deed recorded on January 14, 2003, document 2003-
5 01392. The public records of Cochise County Treasurer's Office identify John S. Szilasi as the
6 owner of tax parcel 208-29-0073. A copy of the current tax parcel map is attached as
7 Attachment C.
8

9 **IT IS ORDERED:**

10 1. Contested Case. This contested case shall be known as *In re R.T. and Marjorie*
11 *Bickhard* and it will address the Statement of Claimant and objections that were filed to
12 Watershed File Report 112-14-DDB-006 published in the Final San Pedro River Watershed
13 Hydrographic Survey Report (1991). Copies of objections can be found under the case name
14 and number on the following website:
15 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
16 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

17 2. Litigants. The litigants in this contested case are the Claimant, the current
18 landowner, John S. Szilasi, all persons who filed objections to the Watershed File Report who
19 are included in the list attached as Attachment D, and claimants who are allowed to intervene by
20 order.
21

22 3. Court-Approved Mailing List.

23 A. The initial Court-approved mailing list for this case shall include all
24 persons listed on Attachment D to this order. The list may be modified only by
25 filing a motion with the Special Master to amend the Court-approved mailing list.
26

27 Litigants are responsible for using the current Court-approved mailing list.
28

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 Court-
3 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.

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

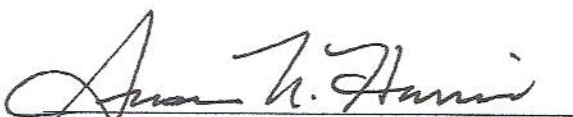
14 4. Pleadings. Any pleading filed with the Clerk of Court shall include the full
15 name of the party submitting the pleading, the full case name and case number, and a title that is
16 a brief description of the nature of the document. These rules also apply to unrepresented parties.
17

18 5. Status Conference. An initial status conference shall be held to determine
19 whether the Claimant or John S. Szilasi intend to pursue claims for rights to appropriable water
20 for domestic, stock watering or irrigation use. If no person intent on asserting a water right
21 appears at the Status Conference, then Statement of Claimant 39-3810 and this case will be
22 dismissed and no further action will be taken with respect to the WFR or the objections filed to
23 the WFR.
24

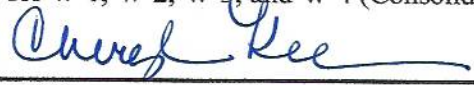
25 The Status Conference shall be held on **February 17, 2022 at 1:30 p.m.** The Status
26 Conference shall be held using the Court Connect program. Instructions for Court Connect are
27 attached as Attachment F. If you receive this Order by email, click on the red box “Join Court
28 Connect Hearing” on the attached instructions to make an appearance. If you do not receive this

1 Order by email, log into the Court Connect program on the internet by typing
2 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend
3 telephonically using the telephone number and access code included in the instructions for Court
4 Connect. Alternatively, you may attend telephonically by using the following instructions:

5
6 Instructions for telephonic appearance:
7 Dial: 602-506-9695 (local)
8 1-855-506-9695 (toll free long distance)
9 Dial Participant Pass Code 357264#
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14 
15 SUSAN WARD HARRIS
16 Special Master

17
18 On December 29, 2021, the original of the foregoing was
19 delivered to the Clerk of the Maricopa County Superior
20 Court for filing and distributing a copy to all persons
21 listed on the Court-approved mailing list for this contested
22 case, a copy of which is attached hereto as Attachment D,
23 and to all persons listed on the Court-approved mailing
24 list for W-1, W-2, W-3, and W-4 (Consolidated).

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26 Cheryl Kee
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ATTACHMENT A

LAND OWNER	WATERSHED FILE REPORT NUMBER
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BICKHARD, JR., R.T. & MARJORIE J.	112-14-DDB-006

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES *W1-11-1507*

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION			CLAIM DATE	DIVERSION LOCATION		
				SECTION	TWNP	RNGE		SECTION	TWNP	RNGE
39-0003810		IRRIGATION	20.00	SE07	160S	200E	1888	SESE07	160S	200E
		STOCK	5.00	SW08	160S	200E		NESE07	160S	200E
								NWSW08	160S	200E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0003810	IRRIGATION STOCK	IRRIGATION INCIDENTAL	WO1,WO2,WO3	IROO1

DIVERSIONS

DIV #	LOCATION			DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
	SECTION	TWNP	RNGE		
WO1	NENESE07	160S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO2	SWNESE07	160S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO3	NESESE07	160S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

USES

PWR #	LOCATION			SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
	SECTION	TWNP	RNGE					
DMOO1	SENESE07	160S	200E	WO3	GROUNDWATER : ZONE 1		NO	
IROO1	NESE07	160S	200E	WO1,WO2,WO3	GROUNDWATER : ZONE 1	1979	NO	
	SESE07	160S	200E					
	SWSW08	160S	200E					

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*		WATER SOURCES AND CLASSIFICATIONS
			DATE BASIS	FOR DATE	
DMOO1	39-0003810	NONE			GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO1	39-0003810	NONE	1979	1979 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
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT
IROO1	MAX. OBSERVED	15.5	PECANS W/GC	50%	6.7 AF/AC	103.9 AFA	
	REGIONAL	15.5	AVE. CROP	50%	5.4 AF/AC	83.7 AFA	
	MAX. POTENTIAL	15.5	ALFALFA	50%	6.6 AF/AC	102.3 AFA	

DIVERSIONS

W1 & W2 - WELLS PROVIDE WATER FOR IRRIGATION USES.
W3 - WELL PROVIDES WATER FOR IRRIGATION, DOMESTIC, AND STOCKWATERING USES.

USES AND RESERVOIRS

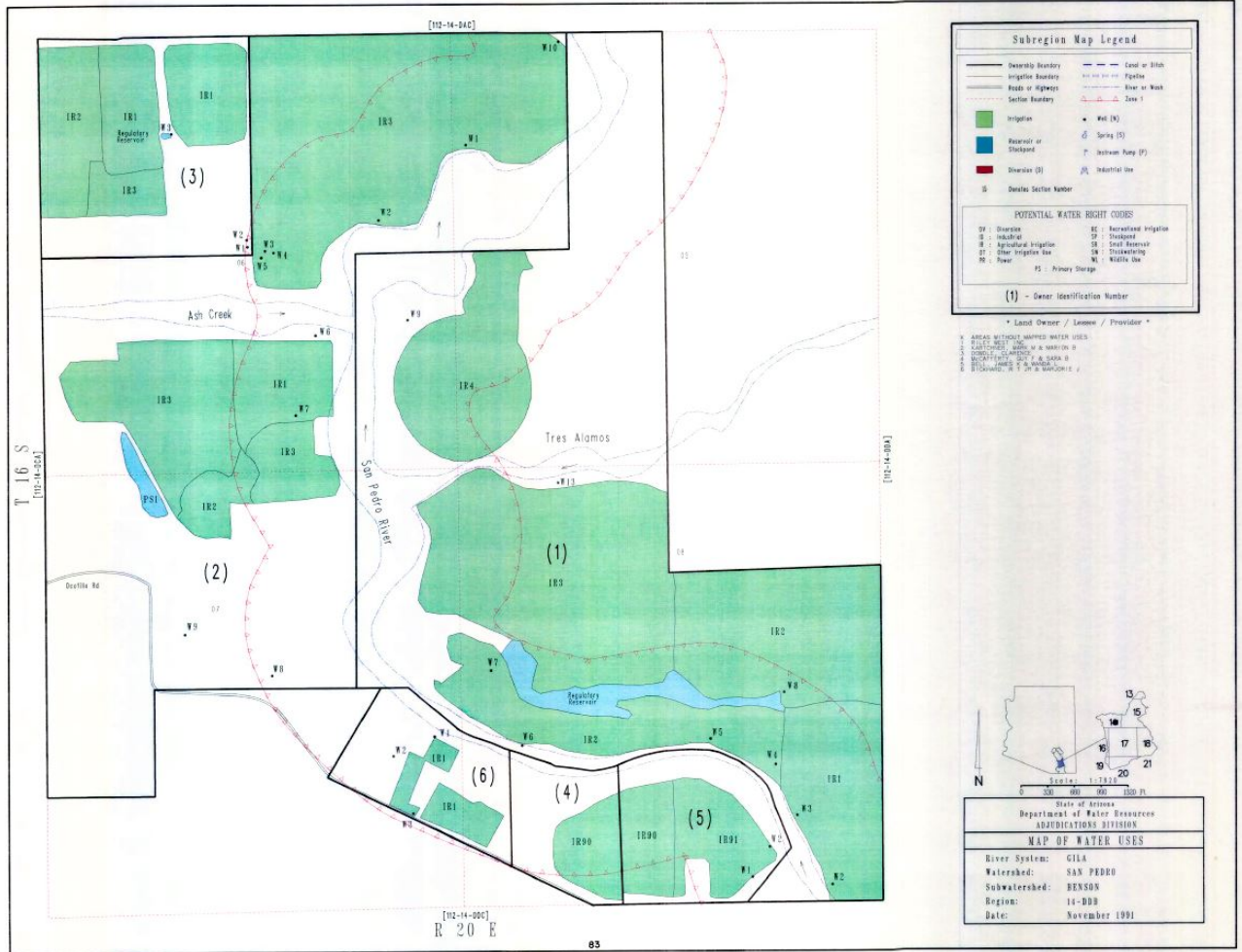
DM1 - DOMESTIC USE.
IR1 - IRRIGATED PECANS TREES.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

AN EXTENSIVE COMMENT WAS RECEIVED WHICH INDICATED THAT A PARCEL SPLIT AND AN OWNERSHIP CHANGE HAD OCCURRED. FIVE PONDS WERE CLAIMED WHICH COULD NOT BE IDENTIFIED ON AERIAL PHOTOGRAPHS AND SUBSEQUENT FIELD INVESTIGATIONS WERE NOT POSSIBLE DUE TO LOCKED GATES; THE PONDS WERE NOT FIELD VERIFIED.

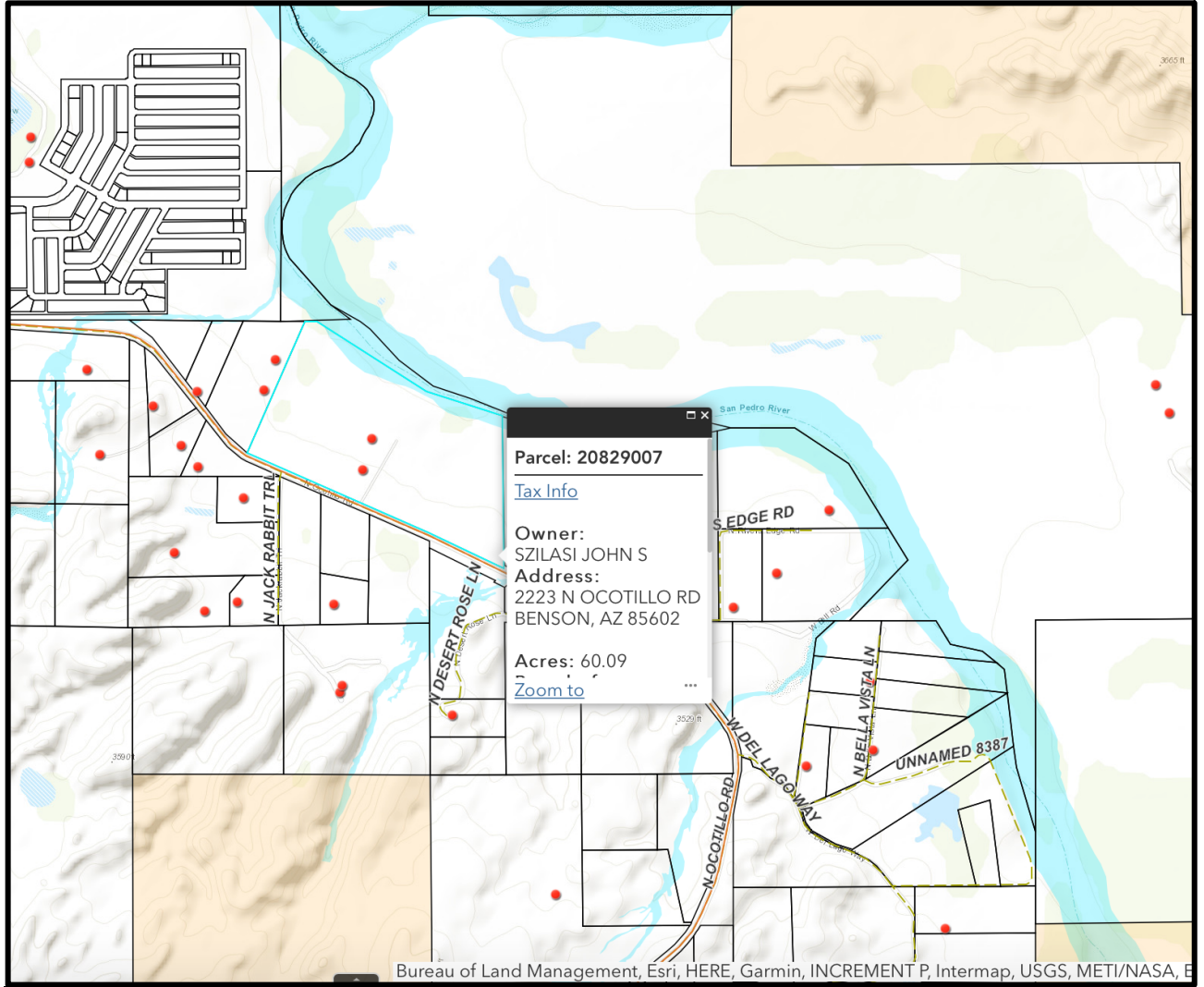
ATTACHMENT B

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ATTACHMENT C

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ATTACHMENT D

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4 Arizona Department of Water Resources
5 Kimberly Parks
6 Janet L. Miller
7 P. O. Box 36020
8 Phoenix, AZ 85067

8 ASARCO Incorporated
9 Lauren J. Caster
10 Fennemore Craig, P.C.
11 2394 East Camelback Road
12 Suite 600
13 Phoenix, AZ 85016-3429

12 BHP Copper, Inc.
13 John D. Burnside
14 Snell & Wilmer, L.L.P.
15 400 E. Van Buren Street, Ste 1900
16 Phoenix AZ 85004

15 Clerk of the Superior Court
16 Maricopa County
17 Attn: Water Case
18 601 West Jackson Street
19 Phoenix, AZ 85003

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

23 John Szilasi
24 2223 N. Ocotillo Road
25 Benson, AZ 85602

25 Joe P. Sparks and Laurel A. Herrmann
26 The Sparks Law Firm, P.C.
27 7503 First Street
28 Scottsdale, Az 85251-4573

1 Lucas T. Christian & Julian Nava
Rosette, LLP
2 565 W. Chandler Blvd. Suite 212
Chandler, AZ 85225
3
4 R.T. and Marjorie J. Bickhard
2882 S. Emerson St.
5 Englewood, Colorado 80110
6
7 S. Montgomery, R. Interpreter, J. Tomkus
Montgomery & Interpreter, Plc
8 3301 E. Thunderbird Road
Phoenix, AZ 85032
9
10 Salt River Valley Water Users Association,
Salt River Project Agricultural Improvement and Power District
John B. Weldon, Jr. and Mark A. McGinnis
11 Salmon, Lewis & Weldon PLC
2850 E Camelback Rd, Ste. 200
12 Phoenix, AZ 85016
13
14 Special Master Susan Ward Harris
Superior Court of Arizona
201 W. Jefferson Street
15 Courtroom 301
Phoenix, AZ 85003
16
17 U. S. Department of Justice
Patrick Barry and Emmi Blades
18 Environment and Natural Resources
P. O. Box 7611
19 Washington, D.C. 20044-7611
20
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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 R.T. and Marjorie Bickhard

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 R.T. and Marjorie Bickhard **Contested Case No.** W1-11-1507

Start Date/Time: February 17, 2022 at 1:30 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](#)

