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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. W1-11-1680

ORDER TO INITIATE CONTESTED CASE

AND

ORDER SETTING STATUS  
CONFERENCE

CONTESTED CASE NAME: *In re Max J. and Donna L. Kartchner II*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report  
DESCRIPTIVE SUMMARY: Case initiated. Status conference set for **April 7, 2022 at 1:40 p.m.**  
NUMBER OF PAGES: 16  
DATE OF FILING: February 11, 2022

**General Explanation**

This Order begins the process necessary to adjudicate claims made for rights to  
appropriate water for use on land that the Cochise County Assessor has identified as owned by

1 Richard H. Park, Charles W. Yokum and Carrie J. Maddox, the Arizona Highway Department,  
2 Robert C Sachs and Janise J Gruetzke, and St. David Water Association. This contested case is  
3 one of the many cases in the Arizona General Stream Adjudication for the San Pedro River  
4 Watershed to determine legal rights to water. Other cases in which claims have been made for  
5 legal rights to water in the San Pedro River Watershed have been completed, are in the process of  
6 determining water rights, or are awaiting initiation. The purpose of the General Adjudication is  
7 to determine the rights of those persons who filed Statements of Claimant for rights to use  
8 appropriable water in Arizona. The General Adjudication will also determine water rights in the  
9 Upper Salt, Verde, Upper Gila, Lower Gila, Agua Fria, and Upper Santa Cruz watersheds.  
10

11 In this case, Kartchner Farms and Ranches, Inc. (“Claimant”) filed three Statements of  
12 Claimant (“SOCs”) for rights to water in Section 33 Township 17S Range 21E and Section 4  
13 Township 18S Range 21E. The Arizona Department of Water Resources (“ADWR”) investigated  
14 the claims, which it characterized as claims for irrigation, stock watering, and recreational uses,  
15 and prepared a report known as Watershed File Report No. 112-17-093 (“WFR”) published in the  
16 Final San Pedro River Watershed Hydrographic Survey Report (1991). A copy of the WFR is  
17 attached as Attachment A.  
18

19  
20 The SOCs filed include claims for water for irrigation, stock watering, and recreational  
21 use with a pre-1919 priority date. The WFR found no irrigation, stock watering, or recreational  
22 uses on the land described in the WFR. After ADWR issued the WFR, objections were filed to  
23 the findings made in the WFR. The purpose of this case is to consider the claims made for water  
24 rights that are the subject of the WFR and resolve the objections to the WFR.  
25

## 26 **Claimant & Landowners**

27 The WFR identified three SOCs relevant to the potential water right: 39-4144, 39-4145,  
28 and 39-4146. Kartchner Farms and Ranches, Inc. filed the SOCs claiming water for irrigation,

1 stock watering, and recreational uses. It described the irrigated land as one-half acre located in  
2 NWSWSW Section 33 T17S R21E. The claims also included stockwatering in SWSW Section  
3 33 T17S R21E and NWNW section 4 T18S R21E. A copy of the map attached to SOC 39-4144  
4 is attached as Attachment B. The WFR lists Max J. & Dona L. Kartchner as the owners of the  
5 property described in the WFR. The records of the Cochise County Assessor indicate that Richard  
6 H. Park, Charles W. Yokum and Carrie J. Maddox, the Arizona Highway Department, Robert C  
7 Sachs and Janise J Gruetzke, and St. David Water Association are the owners of the land described  
8 in the filed claims. Richard H. Park owns tax parcel nos. 120-20-004A7 and 121-03-001K3.  
9 Charles W. Yokum and Carrie J Maddox own tax parcel no. 120-20-00707. The Arizona  
10 Highway Department owns tax parcel no. 121-03-00406. Robert C Sachs and Janise J Gruetzke  
11 own tax parcel nos. 121-03-00509 and 121-03-002D6. St. David Water Association owns tax  
12 parcel nos. 120-20-00903 and 120-20-004B6. The public records of the Arizona Department of  
13 Water Resources do not contain an assignment of any of the SOC's from Kartchner Farms and  
14 Ranches, Inc. to any successor landowner. A copy of the map prepared by the Cochise County  
15 Assessor showing tax parcel nos. 120-20-004A7, 121-03-001K3, 120-20-00707, 121-03-00406,  
16 121-03-00509, 121-03-002D6, 120-20-00903, and 120-20-004B6 is attached as Attachment C.  
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21 **IT IS ORDERED:**

22 1. Contested Case. This contested case shall be known as *In re Max J. and Donna L.*  
23 *Kartchner II* and it will determine appropriable water rights asserted in the Statement of Claimants  
24 and objections that were filed to Watershed File Report 112-17-093 published in the Final San  
25 Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections can be found  
26 under the case name and number on the following website:  
27  
28

1 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.a>  
2 [sp](#)

3 2. Litigants. The litigants in this contested case are the Claimant, the current  
4 landowners, all persons who filed objections to the WFR, and parties who are allowed to intervene  
5 by order.

6  
7 3. Court-Approved Mailing List.

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

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

17  
18 C. Claimants wishing to be added or removed from the mailing list shall file  
19 a motion with the Special Master. Parties allowed to intervene will be  
20 automatically added to the Court-approved mailing list.

21  
22 D. The Clerk of the Court will send copies of all minute entries and orders  
23 issued in this case to the parties listed on the Court-approved mailing list.  
24 Upon request, the Clerk of the Court will provide copies by email. Parties  
25 may request emailed copies of minute entries and orders by completing and  
26 submitting a CONSENT FOR ELECTRONIC RECEIPT OF WATER  
27 CASE DOCUMENTS, which is attached as Attachment E.  
28

1           4.     Status Conference. An initial status conference shall be held to determine whether  
2 the Claimant or current landowners, Richard H. Park, Charles W. Yokum and Carrie J. Maddox,  
3 the Arizona Highway Department, Robert C. Sachs and Janise J. Grutzke, and St. David Water  
4 Association, intend to assert claims for rights to appropriable water for irrigation or stock watering  
5 use. If no person claiming a water right appears at the Status Conference, then Statement of  
6 Claimants 39-0004144, 39-0004145, and 39-004146 and this case will be dismissed and no further  
7 action will be taken with respect to the WFR or the objections filed to the WFR.  
8

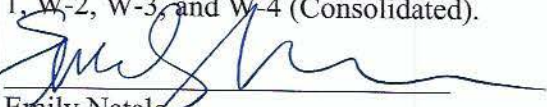
9           The Status Conference shall be held on **April 7, 2022 at 1:40 p.m.** The Status Conference  
10 shall be held using the Court Connect program. Instructions for Court Connect are attached as  
11 Attachment F. If you receive this Order by email, click on the red box "Join Court Connect  
12 Hearing" on the attached instructions to make an appearance. If you do not receive this Order by  
13 email, log into the Court Connect program on the internet by typing  
14 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend  
15 telephonically using the telephone number and access code included in the instructions for Court  
16 Connect. Alternatively, you may attend telephonically using the following instructions:  
17

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

22  
23             
24           \_\_\_\_\_  
25           SUSAN WARD HARRIS  
26           Special Master  
27  
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1 On February 11, 2022, 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 listed  
4 on the Court-approved mailing list for this contested case,  
5 a copy of which is attached hereto as Attachment D, and to  
6 all persons listed on the Court-approved mailing list for W-  
7 1, W-2, W-3, and W-4 (Consolidated).

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# **ATTACHMENT A**

LAND OWNER  
 -----  
 KARTCHNER, MAX J.  
 & DONA L.(TRUSTEES)

WATERSHED FILE  
 REPORT NUMBER  
 -----  
 112-17-093

A P P L I C A B L E F I L I N G S A N D D E C R E E S

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

WI-11-1680

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE
36-0026292		STOCK	7.98	NWNW04	180S	210E	1919	NWNW04	180S	210E
36-0026294		STOCK	7.98	SWSW33	170S	210E	1918	SWSW33	170S	210E
36-0026295		IRRIGATION	.50	SWSW33	170S	210E	1918	NWSWSW33	170S	210E
		STOCK	7.48							
39-0004144		IRRIGATION	3.50	NWSWSW33	170S	210E	1900	SWSW33	170S	210E
		STOCK	.17							
39-0004145		STOCK	.17	SWSW33	170S	210E	1900	SWSW33	170S	210E
		REC/FISH/WLDF	7.81							
39-0004146		STOCK	.11	NWNW04	180S	210E	1902	NWNW04	180S	210E
		REC/FISH/WLDF	7.87							

D W R A N A L Y S I S O F F I L I N G S A N D D E C R E E S

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0026292	STOCK	CATALOGUED WELL		
36-0026294	STOCK	CATALOGUED WELL		
36-0026295	IRRIGATION	NONE		
	STOCK	CATALOGUED WELL		
39-0004144	IRRIGATION	NONE		
	STOCK	CATALOGUED WELL		
39-0004145	STOCK	CATALOGUED WELL		
	RECREATION	NONE		
39-0004146	STOCK	CATALOGUED WELL		
	RECREATION	NONE		

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
NONE	39-0004144	36-0026292		
	39-0004145	36-0026294		
	39-0004146	36-0026295		

E X P L A N A T I O N

FILINGS AND DECREES

FILINGS 36-26295 & 39-4144 - CLAIM IRRIGATION AND STOCKWATERING USES. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATIONS.  
 FILINGS 39-4145 & 39-4146 - CLAIM STOCKWATERING AND RECREATION WATER USES. NO RECREATION USES WERE FOUND AT THE CLAIMED LOCATIONS.

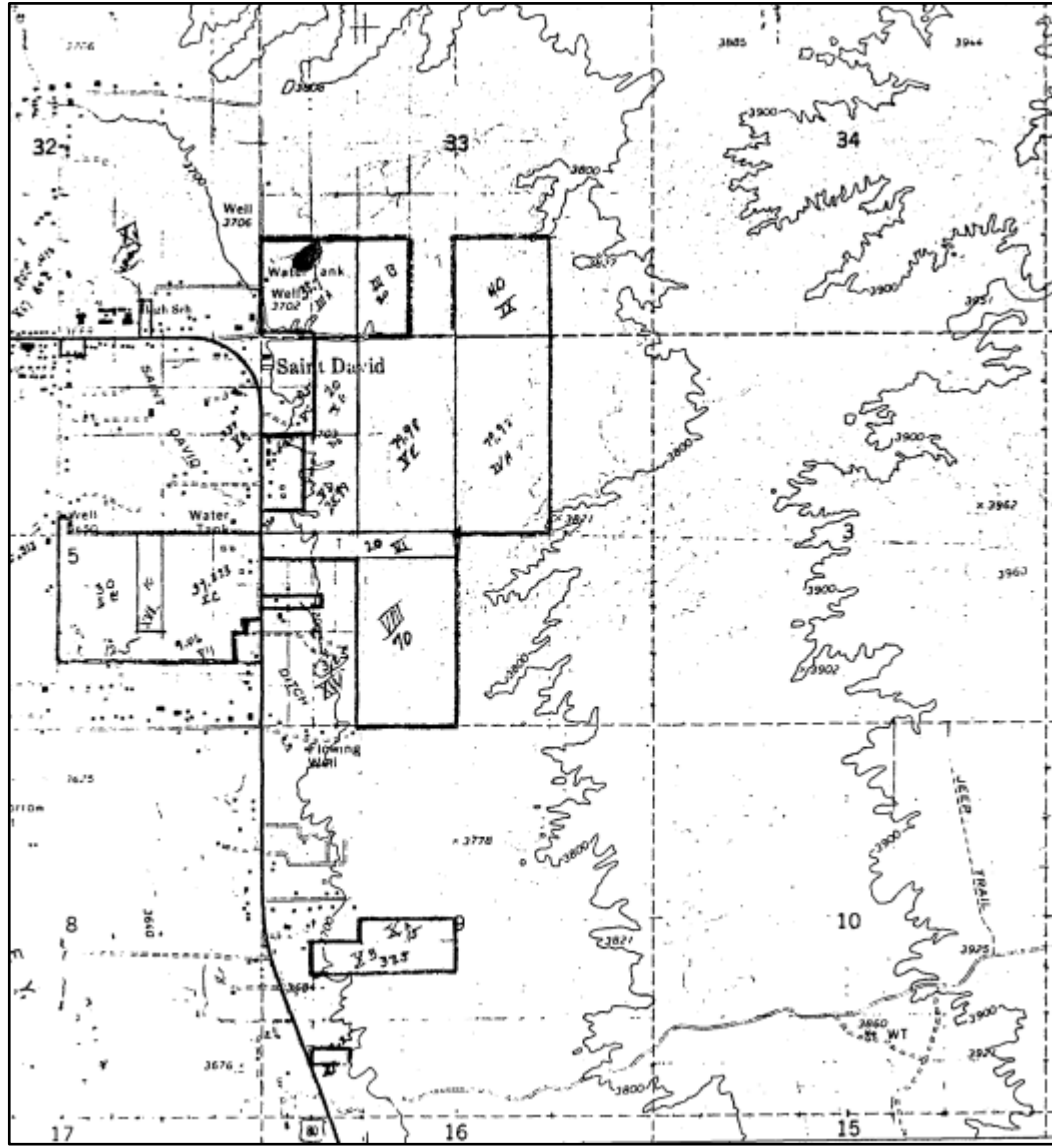
DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED FROM THE LAND OWNER WHICH INDICATED THAT A CHANGE IN OWNERSHIP HAD OCCURRED.



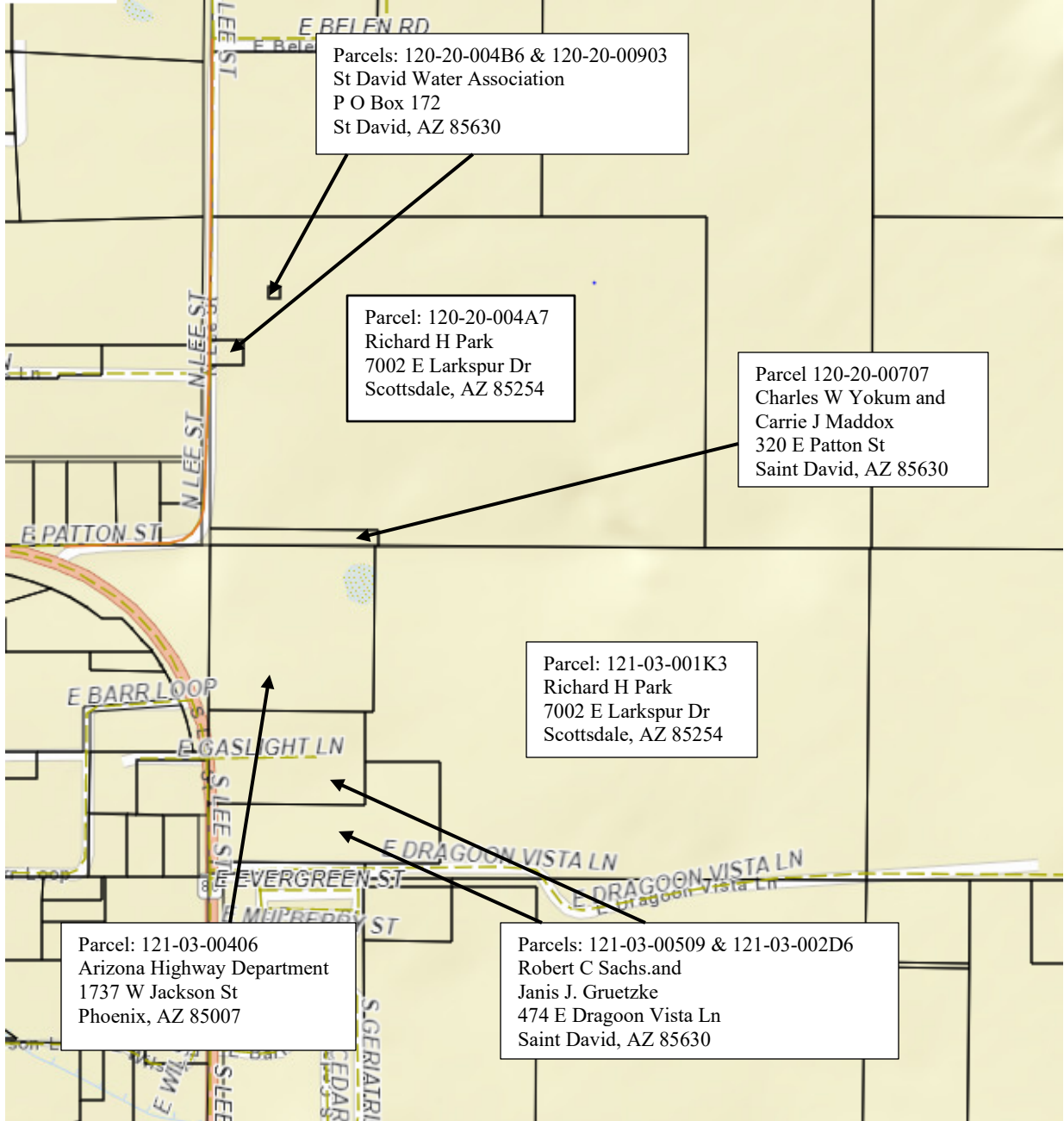
# ATTACHMENT B

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

Robert C Sachs.and  
Janis J. Gruetzke  
474 E Dragoon Vista Ln  
Saint David, AZ 85630

Arizona Highway Department  
1737 W Jackson St  
Phoenix, AZ 85007

St David Water Association  
P O Box 172  
St David, AZ 85630

Charles W Yokum and  
Carrie J Maddox  
320 E Patton St  
Saint David, AZ 85630

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

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

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

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

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

Kartchner Farms and Ranches, Inc  
Rt. 1 Box 149  
St. David, AZ 85630

Richard H Park  
7002 E Larkspur Dr  
Scottsdale, AZ 85254

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

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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:

---

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:

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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 Max J. & Donna L. Kartchner II

*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 Max J. and Donna L. Kartchner II Contested Case No. W1-11-1680**

**Start Date/Time: April 7, 2022 at 1:40 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](#)

