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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. W1-11-1840

ORDER TO INITIATE CONTESTED CASE
AND
ORDER FOR ADWR TO FILE MAP

CONTESTED CASE NAME: *In re K-7 Development, Inc.*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Case initiated and deadline of **March 3, 2022** set for Arizona Department of Water Resources to file map
NUMBER OF PAGES: 13
DATE OF FILING: February 16, 2022

General Explanation

This Order begins the process necessary to adjudicate claims made for rights to appropriable water for use on land in Section 3 and Section 4 of Township 17S Range 20E. This contested case is one of the many cases in the Arizona General Stream Adjudication for the San Pedro River Watershed to determine legal rights to water. Other cases in which claims have been

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

7
 8 At issue in this case are five Statements of Claimant (“SOCs”):
 9

Statement of Claimant No.	Filed on:	Filed by:	Place of Use
39-6441	July 2, 1980	Bernard Kerley, Jr.	Section 4 Township 17S Range 20E - Ranchitos Los Alamos Unit No. 2
39-6442	July 2, 1980	Bernard Kerley, Jr.	Section 3 Township 17S Range 20E
39-6443	July 2, 1980	Bernard Kerley, Jr.	Section 3 Township 17S Range 20E
39-6444	July 2, 1980	Bernard Kerley, Jr.	Section 4 Township 17S Range 20E
39-11999	January 4, 1985	Mark M. and Marion B. Kartchner	The northeast quarter of the southeast quarter of Section 4 Township 17S Range 20 E and The southeast quarter of the northeast quarter of Section 4 Township 17S Range 20 E

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 22 The Arizona Department of Water Resources (“ADWR”) investigated the claims, which
 23 it characterized as claims for irrigation and domestic uses, and prepared a report known as
 24 Watershed File Report No. 112-17-BA-084 (“WFR”) published in the Final San Pedro River
 25 Watershed Hydrographic Survey Report (1991). A copy of the WFR is attached as Attachment
 26

27 A.
 28

1 The SOC's filed includes claims for domestic and irrigation uses. The table below breaks
 2 down the type of each claim as well as priority date and source of the claimed water.

Statement of Claimant No.	Type of use	Priority date	From a well located in:
39-6441	Domestic & Irrigation	1951	The northeast quarter of the northeast quarter of the southeast quarter of Section 4 Township 17S Range 20 E
39-6442	Domestic & Irrigation	1980	The northeast quarter of the northwest quarter of the northwest quarter of Section 3 Township 17S Range 20 E
39-6443	Irrigation	1980	The northwest quarter of the southeast quarter of the northwest quarter of Section 3 Township 17S Range 20 E
39-6444	Irrigation	1980	The southeast quarter of the northeast quarter of the northeast quarter of Section 4 Township 17S Range 20 E
39-11999	Domestic & Irrigation	1952	The northeast quarter of the northeast quarter of the southeast quarter of Section 4 Township 17S Range 20 E

13 The WFR found no irrigation or domestic watering uses on the land described in the
 14 WFR. After ADWR issued the WFR, objections were filed to the findings made in the WFR.
 15 The purpose of this case is to consider the claims made for water rights that are the subject of
 16 the WFR and resolve the objections to the WFR.

17 **Claimants & Landowners**

18
 19 The WFR identified five SOC's relevant to the potential water right. The place of use that
 20 is listed on the SOC's encompasses Section 3 and Section 4 Township 17S Range 20E. A copy
 21 of the map prepared by the Cochise County Assessor showing the tax parcels that the Court
 22 believes may be included in this case is attached as Attachment B. A list of the owners of these
 23 parcels of land, according to the Cochise County Assessor, is attached as Attachment C. The
 24 Court does not currently have a map showing the boundaries of the WFR.
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1 **IT IS ORDERED** that Arizona Department of Water Resources has until **March 3, 2022**,
2 to file a map that includes the boundaries of the land included in Watershed File Report No. 112-
3 17-BA-084.

4 **IT IS FURTHER ORDERED**

5 1. Contested Case. This contested case shall be known as *In re K-7 Development*,
6 *Inc.* and it will determine appropriable water rights asserted in the Statement of Claimant and
7 objections that were filed to Watershed File Report 112-17-BA-084 published in the Final San
8 Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections can be found
9 under the case name and number on the following website:
10 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
11 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
12

13 2. Litigants. The litigants in this contested case are the Claimants, the current
14 landowners, all persons who filed objections to the WFR, and parties who are allowed to
15 intervene by order.
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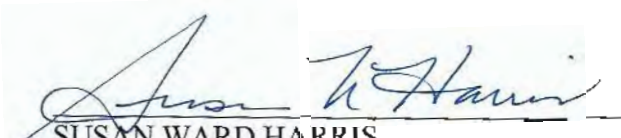
17 3. Court-Approved Mailing List.

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

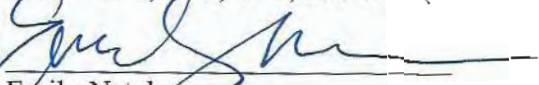
24 B. A copy of any pleading filed with the Clerk of the Maricopa County
25 Superior Court in this case shall be served upon each person listed on the
26 Court-approved mailing list.
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- C. Claimants wishing to be added or removed from the mailing list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


SUSAN WARD HARRIS
Special Master

On February 16, 2022, 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	WATERSHED FILE
-----	REPORT NUMBER
K-7 DEVELOPMENT, INC.	112-17-BA-084

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES *W1-11-1840*

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE
39-0006441		IRRIGATION DOMESTIC	300.00	NE04	170S	200E	1951	NENESE04	170S	200E
39-0006442		IRRIGATION DOMESTIC	300.00	NW03	170S	200E	1980	NENWNW03	170S	200E
39-0006443		IRRIGATION	320.00	03	170S	200E	1980	NWSENW03	170S	200E
39-0006444		IRRIGATION	300.00	04	170S	200E	1980	SENESE04	170S	200E
39-0011999		IRRIGATION DOMESTIC	100.00 300.00	NESE04	170S	200E	1952	NENESE04	170S	200E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0006441	IRRIGATION DOMESTIC	NONE NONE		
39-0006442	IRRIGATION DOMESTIC	NONE NONE		
39-0006443	IRRIGATION	NONE		
39-0006444	IRRIGATION	NONE		
39-0011999	IRRIGATION DOMESTIC	NONE NONE		

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
NONE	39-0006441	NONE		
	39-0006442			
	39-0006443			
	39-0006444			
	39-0011999			

EXPLANATION

FILINGS AND DECREES

FILINGS 39-6441, 39-6442 & 39-11999 - CLAIM IRRIGATION AND DOMESTIC WATER USES. NO IRRIGATION OR DOMESTIC USES WERE FOUND AT THE CLAIMED LOCATIONS.
 FILINGS 39-6443 & 39-6444 - CLAIM IRRIGATION WATER USES. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATIONS.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED FROM THE LAND OWNER WHICH VERIFIED LAND OWNERSHIP.

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ATTACHMENT B

ATTACHMENT C

Owner	Tax Parcel(s)	Marked on map as:	Unit/Lot number info
Dimond II Bar Group LLC	123-08-003B0	A	
	123-08-003Q2	B	
STOA Farming LLC	123-08-003P3	C	
	123-09-00707	CC	Ranchitos Los Alamos #1 Lot 7
Camco AZ, LLC	123-08-003M6	D	Lot C Sec 4 T17S R20E
	123-08-003L7	E	Lot D Sec 4 T17S R20E
	123-08-003J9	G	
	123-08-003H4	I	
Benson RV Resort LLC	123-08-00106	F	In Lot 1 or W2SWNE Sec 4 T17S R20E
	123-09-00408	Z	Ranchitos Los Alamos #1 Lot 4
Cody & Alexandria Malboeuf	123-08-003N5	H	
	123-08-003E7	J	
	123-07-022E9	K	Lot G NWNW Sec 3 T17S R30E
	123-09-00109	T	Ranchitos Los Alamos #1 Lot 1
City of Benson	123-07-022H6	L	
	123-07-02503	M	
	123-07-010B7	N	
	123-07-024A9	O	
	123-09-016E8	V	Ranchitos Los Alamos #1 Lot 16
San Pedro Real Estate LLC	123-07-024C7	P	
	123-07-024B8	Q	
Benjamin Arvin Kilpatrick	123-07-002J1	R	
Danny Max & Jennifer Pickering	123-07-022K0	S	
Cochise Caverns	123-09-016D9	U	Ranchitos Los Alamos #1 Lots 2, 3, 5, 12, &13
	123-09-010A4	DD	Ranchitos Los Alamos #1 Lots 8-10
Robert O. & Delores M. Jones Living Trust	123-09-01500	W	Ranchitos Los Alamos #1 Lot 15
	123-09-01407	Y	Ranchitos Los Alamos #1 S2 of Lot 14

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Owner	Tax Parcel(s)	Marked on map as:	Unit/Lot number info
Karen Mulholland	123-09-014A6	X	Ranchitos Los Alamos #1 N2 of Lot 14
Anthony Guida	123-09-00604	AA	Ranchitos Los Alamos #1 Lot 6
Kathy Glidewell	123-09-01108	BB	Ranchitos Los Alamos #1 Lot 11
Gateway Trade Park	123-09-080F2	EE	Ranchitos Los Alamos #2 Lots 59-64
	123-09-074B9	FF	Ranchitos Los Alamos #2 Lot 57
Gail M. Hartley Exempt Marital Trust	123-09-074C8	GG	Ranchitos Los Alamos #2 Lots 46-56
	123-09-06103	HH	Ranchitos Los Alamos #2 Lot 45
	123-09-060A9	II	Ranchitos Los Alamos #2 Lots 43 & 44
	123-09-080D4	JJ	Ranchitos Los Alamos #2 Lots 29-42
Woodland Trust	123-09-01706	KK	Ranchitos Los Alamos #2 Lot 1
First American Title Insurance Co Trust #8628	many	LL	San Pedro Golf Estates (all lots)

ATTACHMENT D

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Phoenix, AZ 85072

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Gateway Trade Park
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C/O Tom Barenberg
1745 Shea Center Dr Ste 370
Highlands Ranch, CO 80129

Special Master Susan Ward Harris
Superior Court of Arizona
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Courtroom 301
Phoenix, AZ 85003

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and Lauren Mulhern
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4 565 W. Chandler Blvd. Suite 212
Chandler, AZ 85225
5
6 Josh Edelstein Phoenix Field Solicitor
Office of the Solicitor
U.S. Department of the Interior
7 Sandra Day O'Connor U.S. Courthouse
8 Ste. 404 401 W. Washington St., SPC 44
Phoenix, AZ 85003
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1708 Crestwood Dr
Sierra Vista, Az 85635
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12 Yavapai Apache Nation
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