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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. W1-11-1984

ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In re Ronald E. and Theresa L. Rineer*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Contested case initiated and status conference set for **January 10, 2022 at 2:40 PM**
NUMBER OF PAGES: 16
DATE OF FILING: November 18, 2021

General Explanation

This Order begins the process necessary to adjudicate claims made for rights to appropriable water for use on land previously owned by Ronald E. and Theresa L. Rineer. This contested case is one of the many cases in the General Stream Adjudication for the San Pedro River Watershed to determine legal rights to water. Other cases in which claims have been made

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

6
7 In this case, H. Bruce Tryon (“Claimant”) filed a Statement of Claimant on May 22, 1980
8 for rights to water in the southeast quarter of Section 14 Township 17S Range 20E. The Arizona
9 Department of Water Resources (“ADWR”) investigated the claims made by the landowner, and
10 found what it described as claims for discontinued irrigation use and prepared a report known as
11 Watershed File Report (“WFR”) 112-17-BDA-005 which was published in the Final San Pedro
12 River Watershed Hydrographic Survey Report (1991). A copy of the WFR is attached as
13 Attachment A. A copy of the map of 112-17-BDA-005 prepared by ADWR for the WFR is
14 attached as Attachment B with the land associated with this case labeled as “(5)”.

15
16 The WFR found two discontinued irrigation uses of water supplied by one well located
17 within the subflow zone on the land described in the WFR. The WFR found that irrigation had
18 not occurred on the property in the five years before ADWR investigated the claim. After
19 ADWR issued the WFR, objections were filed to the findings made in the WFR. The purpose
20 of this case is to consider the claims made for water rights that are the subject of the WFR and
21 resolve the objections to the WFR.

22 **Claimants & Landowners**

23
24
25 The WFR identified one Statement of Claimant (“SOC”) relevant to the potential water
26 right: 39-3822. H. Bruce Tryon filed the SOC claiming water for irrigation use and stated that
27 the water was first put to beneficial use on the property before 1919. The WFR lists Ronald E.
28

1 and Theresa L. Rineer as the owners of the property described as located in the southeast quarter
2 of Section 14 Township 17S Range 20E. The public records of the Arizona Department of Water
3 Resources do not contain an assignment of the SOC.

4 The Cochise County Assessor lists the Scott Thacker Limited Family Partnership as the
5 current owner of the land described in the WFR. On April 12, 1994, Ronald E. Rineer conveyed
6 the land described in the WFR to Lee and Leo Cemensky by joint tenancy deed, listed as tax
7 parcel 123-37-003, recorded as document 1994-10420. Lee and Leo Cemensky conveyed the
8 land by warranty deed to Michael and Peggy Klein recorded as document 2005-03919 on
9 February 4, 2005. On June 15, 2016 Michael and Peggy Klein conveyed the land to Benny R.
10 Middleton and Pauline P. Middleton, as Trustees of The Benny R. and Pauline P. Middleton
11 Trust, by warranty deed recorded as document 2016-10283. On December 8, 2017, Benny R.
12 Middleton and Pauline P. Middleton conveyed the land to Thacker Holdings, Inc., an Arizona
13 corporation, by warranty deed recorded as document 2017-23652. Lastly, on September 15,
14 2020, Thacker Holdings, Inc. conveyed the land to Scott Thacker Limited Family Partnership,
15 an Arizona Limited Partnership, by warranty deed recorded as document 2020-19793. A copy
16 of a map prepared by the Cochise County Assessor showing tax parcel 123-37-003 is attached
17 as Attachment C. The WFR area is outlined in blue on the tax parcel map in Attachment C.

21 **IT IS ORDERED:**

22 1. Contested Case. This contested case shall be known as *In re Ronald E. and*
23 *Theresa L. Rineer* and it will determine appropriable water rights asserted in the Statement of
24 Claimant and objections that were filed to Watershed File Report 112-17-BDA-005 published in
25 the Final San Pedro River Watershed Hydrographic Survey Report (1991). Copies of the
26 objections can be found under the case name and number on the following website:
27
28

1 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
2 [asp](#)

3 2. Litigants. The litigants in this contested case are the Claimant, the current
4 landowner, all persons who filed objections to the Watershed File Report who are listed on
5 Attachment D, and parties who are allowed to intervene by order.

6 3. Court-Approved Mailing List.

7
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 only by
10 filing a motion with the Special Master to amend the Court-approved mailing list.
11 Litigants are responsible for using the current Court-approved mailing list.

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

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

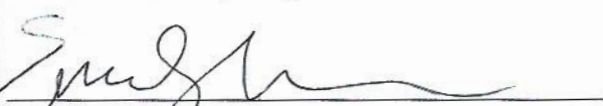
18 D. The Clerk of the Court will send copies of all minute entries and orders
19 issued in this case to the parties listed on the Court-approved mailing list. Upon
20 request, the Clerk of the Court will provide copies by email. Parties may request
21 emailed copies of minute entries and orders by completing and submitting a
22 CONSENT FOR ELECTRONIC RECEIPT OF WATER CASE DOCUMENTS,
23 which is attached as Attachment E.
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1 4. Status Conference. An initial status conference shall be held to determine whether
2 the current landowner intends to pursue claims for rights to appropriable water for
3 irrigation use. The Status Conference shall be held on **January 10, 2022 at 2:40 p.m.**
4 The Status Conference shall be held using the Court Connect program. Instructions
5 for Court Connect are attached as Attachment F. If you receive this Order by email,
6 click on the red box "Join Court Connect Hearing" on the attached instructions to
7 make an appearance. If you do not receive this Order by email, log into the Court
8 Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If
9 you do not have access to the internet, you may attend telephonically using the
10 telephone number and access code included in the instructions for Court Connect..
11
12 You may also attend telephonically using the following numbers:

13
14 Instructions for telephonic participation:
15 Dial: 602-506-9695 (local)
16 1-855-506-9695 (toll free long distance)
17 Dial Collaboration (conference) Code 357264#

18
19 
20 SUSAN WARD HARRIS
21 Special Master

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

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28 Emily Natale

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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
RINEER, RONALD E.	112-17-BDA-005
& THERESA L.	

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

W1-11-1984

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
39-0003822		IRRIGATION	150.00	SWSE14	170S	200E	1919	SESWSE14	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
39-0003822	IRRIGATION	DISCONTINUED	W01	IR090, IR091

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W01	SESWSE14	170S	200E	UNNAMED	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
IR090	SWSE14	170S	200E	W01	GROUNDWATER : ZONE 1	1955	NO	
IR091	NWSE14	170S	200E	W01	GROUNDWATER : ZONE 1	1964	NO	
	SWSE14	170S	200E					

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
IR090	39-0003822	NONE	1955	1955 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR091	39-0003822	NONE	1964	1964 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
IR090	REGIONAL	19.0	NO CROP				DISCONTINUED IRRG.
IR091	REGIONAL	3.7	NO CROP				DISCONTINUED IRRG.

EXPLANATION

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION USES.

USES AND RESERVOIRS

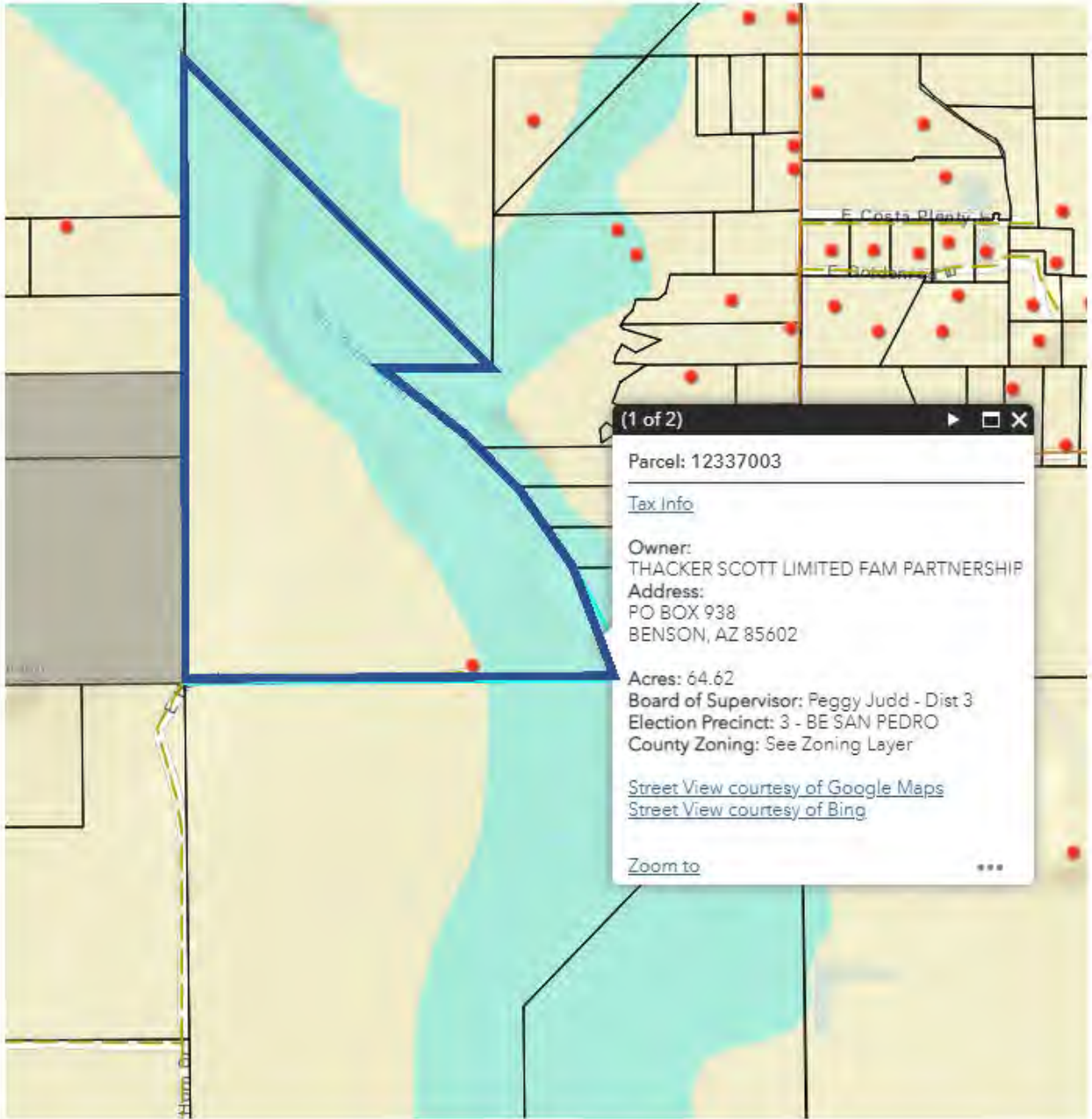
IR90 & IR91 - DISCONTINUED IRRIGATION: D.W.R. HAS DETERMINED THAT NO IRRIGATION HAS OCCURRED ON THIS PROPERTY IN THE LAST FIVE YEARS, BUT THERE HAS BEEN IRRIGATION WITHIN THE PAST TEN YEARS BASED UPON A REVIEW OF HISTORICAL AERIAL PHOTOGRAPHY AND FIELD INVESTIGATIONS.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

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

ATTACHMENT C

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ATTACHMENT D

1
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3 Arizona Department of Water Resources

4 Kimberly Parks

5 Janet L. Miller

6 P. O. Box 36020

Phoenix, AZ 85067

7 ASARCO Incorporated

8 Lauren J. Caster, Bradley Pew

9 Fennemore Craig, P.C.

2394 East Camelback Road

Suite 600

10 Phoenix, AZ 85016-3429

11 BHP Copper, Inc.

12 John D. Burnside

13 Snell & Wilmer, L.L.P.

400 E. Van Buren Street, Ste 1900

Phoenix AZ 85004

14 H. Bruce Tryon

15 Pomerene Rd.

16 P.O. Box 216

Benson, AZ 85602

17 Clerk of the Superior Court

18 Maricopa County

19 Attn: Water Case

601 West Jackson Street

20 Phoenix, AZ 85003

21 Gila River Indian Community

22 Linus Everling and Thomas L. Murphy

Office of the General Counsel

23 P. O. Box 97

Sacaton, AZ 85147

24 San Carlos Apache Tribe

25 Joe P. Sparks and Laurel A. Herrmann

The Sparks Law Firm, P.C.

26 7503 First Street

27 Scottsdale, AZ 85251-4573

28

1 Salt River Project
John B. Weldon, Jr., Mark A. McGinnis, and Michael Foy
2 Salmon, Lewis & Weldon PLC
2850 E Camelback Rd.
3 Suite 200
Phoenix, AZ 85016
4

5 Scott E. Thacker
Scott Thacker Limited Family Partnership
6 P.O. Box 938
Benson, AZ 85602
7

8 Scott E. Thacker
General Partner
9 Scott Thacker Limited Partnership
282 E. 4th St.
10 Benson, AZ 85602

11 Special Master Susan Ward Harris
Superior Court of Arizona
12 201 W. Jefferson Street
13 Courtroom 301
Phoenix, AZ 85003
14

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

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

22 Yavapai-Apache Nation
S. Montgomery, R. Interpreter, J. Tomkus
23 Montgomery & Interpreter, Plc
24 3301 E. Thunderbird Road
Phoenix, AZ 85032
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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 Ronald E. & Theresa L. Rineer

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 Ronald E. & Theresa L. Rineer Contested Case No. W1-11-1984

Start Date/Time: January 10, 2022 at 2:40 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](#)

