

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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. W1-11-2084

ORDER TO INITIATE CONTESTED CASE  
AND  
ORDER TO CONSOLIDATE CASE

CONTESTED CASE NAME: *In re Garvan and Carol Bowman*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report  
DESCRIPTIVE SUMMARY: Contested case initiated and consolidated with *In re St. David Irrigation District*, Contested Case no. W1-11-1675.  
NUMBER OF PAGES: 8  
DATE OF FILING: December 8, 2021

This Order initiates a contested case to consider the claims for water rights and resolve objections to Zone 2 Well Report 112-17-DBA-070 (“Report”) published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). The Report identified potential water rights for small reservoirs and for irrigation use on land located in section 5 Township 18S Range 21E. The identified source of water for the claimed uses are four wells. A copy of the Report is

1 attached as Attachment A. A copy of the map prepared for the Report is attached as Attachment  
2 B with the land that is the subject of this contested case labelled as “(70)”.

3 The WFR identified Statement of Claimant 39-10858 (“SOC”) as the relevant filing for  
4 the potential water rights. Garvan Bowman filed the SOC claiming water for a stock pond. The  
5 public records maintained by ADWR do not show an assignment of the SOC from Garvan  
6 Bowman.

7  
8 Garvan and Carol A. Bowman are named in the Report as the owners of the property  
9 described in 112-17-DBA-070. The public records of Cochise County Assessor’s Office  
10 identify Jason and Cynthia Martin as the owners of tax parcel 121-08-00607. A copy of the  
11 current tax parcel map is attached as Attachment C.

12  
13 On May 12, 2020, the St. David Irrigation District filed a Status Report Regarding Status  
14 of Annexation of Lands and Results of Its Investigation of Watershed File Reports. It  
15 represented that a petition had been filed to annex the land included in Zone 2 Well Report 112-  
16 17-DBA-070. By Resolution No. 01-2021 dated March 21, 2021, St. David Irrigation District  
17 annexed tax parcels 121-08-00607 and 121-08-01008 within the boundaries of the St. David  
18 Irrigation District. See Document 2021-07785 recorded March 23, 2021 with the Cochise  
19 County Recorder.

20  
21 **IT IS ORDERED:**

22 1. Contested Case Initiated. This contested case is initiated. It shall be known as *In*  
23 *re Garvan and Carol Bowman* and it will address the Statement of Claimant and objections that  
24 were filed regarding the Zone 2 Well Report 112-17-DBA-070 published in the Final San Pedro  
25 River Watershed Hydrographic Survey Report (1991). Copies of objections can be found under  
26 the case name and number on the following website:  
27 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)  
28 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

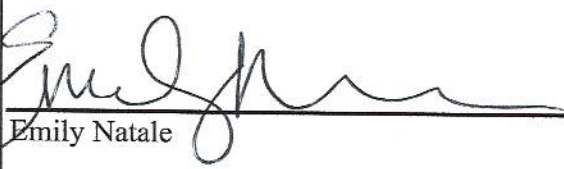
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

3. Consolidate. This contested case is consolidated with *In re St. David Irrigation District*, contested case no. W1-11-1675. All future filings for *In re Garvan and Carol Bowman*, W1-11-2094 shall be filed in *In re St. David Irrigation District*, contested case no. W1-11-1675.

  
\_\_\_\_\_  
SUSAN WARD HARRIS  
Special Master

On December 8, 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, and to all persons listed on the Court-approved mailing list for W-1, W-2, W-3, and W-4 (Consolidated).

  
\_\_\_\_\_  
Emily Natale

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# **ATTACHMENT A**

|                   |                |
|-------------------|----------------|
| LAND OWNER        | ZONE 2 WELL    |
| -----             | REPORT NUMBER  |
| BOWMAN, GARVAN B. | 112-17-DBA-070 |
| & CAROL A.        |                |

| WELLS | WELL NAMES | WELL LOCATION |      |      | WATER USES SERVED   | REMARKS                       |
|-------|------------|---------------|------|------|---------------------|-------------------------------|
|       |            | SECTION       | TWNP | RNGE |                     |                               |
| W01   | UNNAMED    | SESENE05      | 180S | 210E | IROO1, SROO1, SROO2 | W1-11-2084<br>-----<br>UNUSED |
| W02   | UNNAMED    | SESENE05      | 180S | 210E | IROO1, SROO1, SROO2 |                               |
| W03   | UNNAMED    | SESENE05      | 180S | 210E | IROO1, SROO1, SROO2 |                               |
| W05   | UNNAMED    | SESENE05      | 180S | 210E |                     |                               |
|       |            |               |      |      |                     |                               |

| WATER USE NUMBERS | WATER USE LOCATION |      |      | *** APPARENT FIRST USE *** |                   | APPAR. ANNUAL VOLUME USED | ACRES IRRIGATED |
|-------------------|--------------------|------|------|----------------------------|-------------------|---------------------------|-----------------|
|                   | SECTION            | TWNP | RNGE | DATE                       | BASIS FOR DATE    |                           |                 |
| IROO1             | SENE05             | 180S | 210E | 1968                       | FILING 39-10858   | 40.0 AFA                  | 7.4             |
| SROO1             | SESENE05           | 180S | 210E | 1972                       | 1972 AERIAL PHOTO | LTE 15.0 AF               |                 |
| SROO2             | SESENE05           | 180S | 210E | 1976                       | 1976 AERIAL PHOTO | LTE 15.0 AF               |                 |

| APPLICABLE STATEMENTS OF CLAIMANT | APPLIES TO: WELLS    | APPLIES TO: WATER USES |
|-----------------------------------|----------------------|------------------------|
| -----                             | -----                | -----                  |
| 39-0010858                        | W01, W02, W03<br>W05 | IROO1, SROO1, SROO2    |

EXPLANATION

W1-W3 - WELLS PROVIDE WATER FOR IRRIGATION AND STOCKWATERING USES.

W5 - UNUSED WELL.

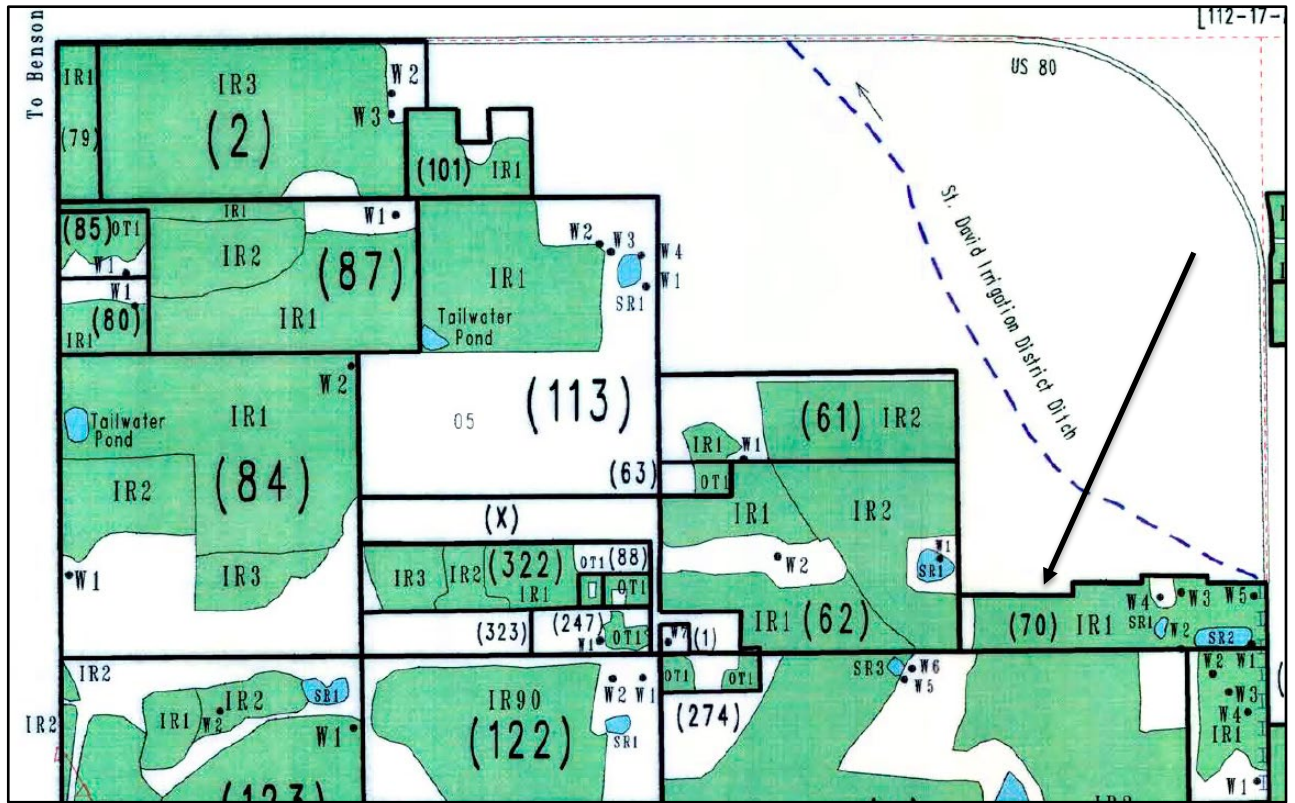
IR1 - IRRIGATED PASTURE.

SR1 & SR2 - SMALL RESERVOIRS ARE USED FOR IRRIGATION AND STOCKWATERING PURPOSES.

A DOMESTIC USE (DM1) AND A WELL (W4) HAVE BEEN CATALOGUED AND ARE REPORTED IN VOLUME 8.

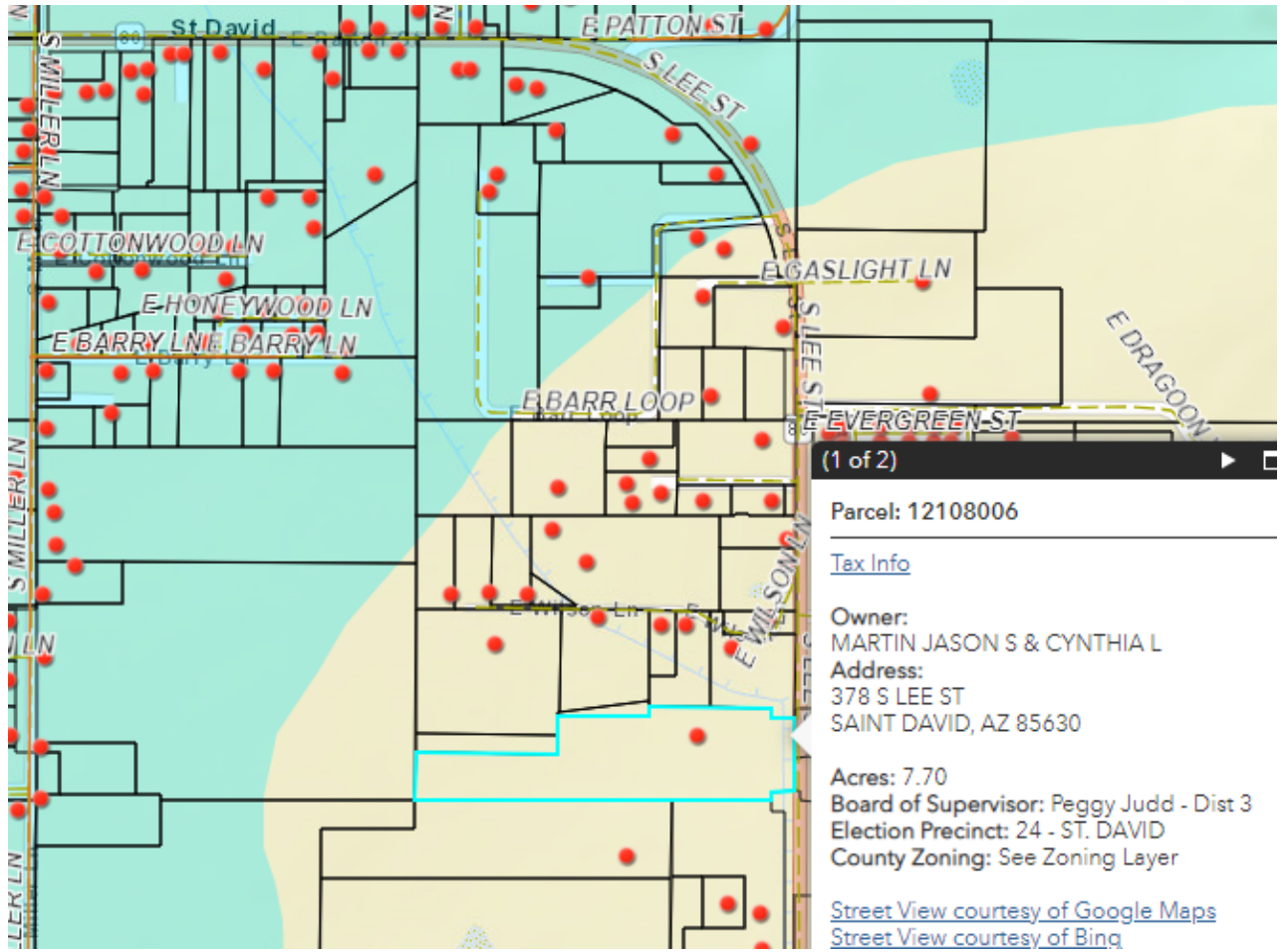
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# ATTACHMENT B



# ATTACHMENT C

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# ATTACHMENT D

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

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

ASARCO Incorporated  
Lauren J. Caster  
Fennemore Craig, P.C.  
2394 East Camelback Road  
Suite 600  
Phoenix, AZ 85016-3429

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

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

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

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

Salt River Valley Water Users Association,  
Salt River Project Agricultural  
Improvement and Power District  
John B. Weldon, Jr. and Mark A. McGinnis  
Salmon, Lewis & Weldon PLC  
2850 E Camelback Rd, Ste. 200  
Phoenix, AZ 85016

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

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

Jason and Cynthia Martin  
378 S Lee St  
Saint David, Az 85630

U. S. Department of Justice  
Patrick Barry  
Environment and Natural Resources  
P. O. Box 7611  
Washington, D.C. 20044-7611