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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. W1-11-3110

ORDER TO INITIATE CONTESTED CASE

CONTESTED CASE NAME: *In re Barney Ray and Donna J. Woods*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Case initiated and status conference set for November 17, 2022 at 1:30 p.m.
NUMBER OF PAGES: 16
DATE OF FILING: October 10, 2022

General Explanation

This Order begins the process necessary to adjudicate claims for potential water rights associated with lands owned by the Winkelman Resource Management Center and the trustees of the Marty and Donna Woods Living Trust. 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 made for legal rights to water in the San

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

6 In this case, the Arizona Department of Water Resources (“ADWR”) investigated the
7 use of water on lands that the Pinal County Assessor shows as currently owned by the trustees
8 of the Marty and Donna Woods Living Trust and the Winkelman Resource Management Center.
9 Arizona Department of Water Resources (“ADWR”) prepared a report with the results of its
10 investigation known as Watershed File Report No. 114-04-BAB-38 (“WFR”), which is published
11 in the Final San Pedro River Watershed Hydrographic Survey Report (1991). The WFR identifies
12 irrigation and domestic uses on the property. It lists no documents that would establish a legal
13 basis for appropriable water use and includes no Statements of Claimant asserting a right to
14 appropriable water.

15 The WFR indicates that the source of water is one well. The public records of the ADWR
16 do not indicate that a well has been registered in the name of the owners of the property identified
17 in the WFR nor in the names of the current landowners. The map prepared by ADWR showing
18 the subflow zone of the San Pedro River indicates that most of the land included in the WFR is
19 located within the lateral boundaries of the subflow zone. Water flowing within the subflow
20 zone of the San Pedro River is considered to be part of the surface stream and subject to the same
21 laws and rules as other types of surface water. A copy of the WFR is attached as Attachment A,
22 and a copy of the map prepared for the WFR is attached as Attachment B on which the relevant
23 land is labeled as “(38)”.

24 Arizona Department of Water Resources found a potential water right for domestic and
25 irrigation use. It concluded that water was used to irrigate 15.7 acres with a maximum observed
26 amount of 119.3 acre-feet annually. After ADWR issued the WFR, objections were filed to the
27
28

1 findings made in the- WFR. The purpose of this case is to consider any claims that may be made
2 for water rights that are the subject of the WFR and resolve the objections to the WFR.

3
4 **Landowners**

5
6 The WFR lists Barney Ray and Donna J. Woods as the owners of the place of use of the
7 potential water right, described as located in the northwest quarter of the southwest quarter of
8 the southeast quarter of Section 8 Township 6S Range 23E. The records of the Pinal County
9 Treasurer indicate that this area now comprises two parcels, one owned by the Winkelman
10 Resource Management Center and the other by the trustees of the Marty and Donna Woods
11 Living Trust. The public records maintained by ADWR do not include a Statement of Claimant
12 filed by either the trustees of the Marty and Donna Woods Living Trust or the Winkelman
13 Resource Management Center.

14 Through a special warranty deed, identified as fee number 2009-104189 by the Pinal
15 County Recorder, Barney and Donna Woods transferred a portion of the land in the WFR area
16 to the trustees of the Marty and Donna Woods Living Trust in 2009. This parcel was identified
17 as parcel number 30-023-109A. In 1997, Barney and Donna Woods, through a deed identified
18 as fee number 1997-015395 by the Pinal County Recorder, transferred a portion of the land in
19 the WFR area to the Nature Conservancy. In 2021, the Nature Conservancy, through a deed
20 identified as fee number 2021-039814 by the Pinal County Recorder, transferred that parcel to
21 the Winkelman Resource Management Center. This parcel was identified as parcel number 30-
22 023-109B. A copy of the map prepared by the Pinal County Treasurer showing the relevant
23 parcels is attached as Attachment C.

24 **IT IS ORDERED:-**

25
26 1. Contested Case. This contested case shall be known as *In re Barney Ray and*
27 *Donna J. Woods* and it will determine any appropriable water rights properly claimed in this case
28 and objections that were filed to Watershed File Report 114-04-BAB-38 published in the Final

1 San Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections can be
2 found under the case name and number on the following website:
3 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
4 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

5 2. Litigants. The litigants in this contested case are current landowners in the WFR
6 area, i.e. the trustees of the Marty & Donna Woods Living Trust and the Winkelman Resource
7 Management Center, all persons who filed objections to the WFR, and parties who are allowed
8 to intervene by order.

9
10 3. Court-Approved Mailing List.

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

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

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

24
25 D. The Clerk of the Court will send copies of all minute entries and orders
26 issued in this case to the parties listed on the Court-approved mailing list.
27 Upon request, the Clerk of the Court will provide copies by email. Parties
28 may request emailed copies of minute entries and orders by completing

1 and submitting a CONSENT FOR ELECTRONIC RECEIPT OF WATER
2 CASE DOCUMENTS, which is attached as Attachment E.

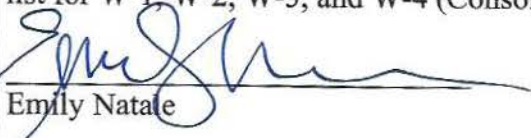
3 4. Status Conference. An initial status conference shall be held to determine
4 whether current landowners intend to pursue claims for rights to appropriable water for domestic,
5 irrigation, or wildlife use. The purpose of the Status Conference will be to discuss the procedures
6 that will be followed in the adjudication of a claimed water right. If no person claiming a water
7 right appears at the Status Conference, then this case will be dismissed, and no further action will
8 be taken with respect to the WFR or the objections filed to the WFR.
9

10 The Status Conference shall be held on **November 17, 2022 at 1:30 p.m.** The Status
11 Conference shall be held using the Court Connect program. Instructions for Court Connect are
12 attached as Attachment F. If you receive this Order by email, click on the red box "Join Court
13 Connect Hearing" on the attached instructions to make an appearance. If you do not receive this
14 Order by email, log into the Court Connect program on the internet by typing
15 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend
16 telephonically using the telephone number and access code included in the instructions for Court
17 Connect. Alternatively, you may attend telephonically using the following instructions:
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20 Instructions for telephonic appearance:
21 Dial: 602-506-9695 (local)
22 1-855-506-9695 (toll free long distance)
23 Dial Participant Pass Code 357264#

24
25 
26 SUSAN WARD HARRIS
27 Special Master
28

1 On October 10, 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
4 listed on the Court-approved mailing list for this contested
5 case, a copy of which is attached hereto as Attachment D,
6 and to all persons listed on the Court-approved mailing
7 list for W-1, W-2, W-3, and W-4 (Consolidated).

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Emily Natale

ATTACHMENT A

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LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
WOODS, BARNEY RAY	114-04-BAB-038
& DONNA J.	

D I V E R S I O N S

DIV #	LOCATION			DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
	SECTION	TWNP	RNGE		
W01	NWSWSE08	060S	160E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

W1-11-3110

U S E S

PWR #	LOCATION			SUPPLIED BY		PHOTO SOURCE	
	SECTION	TWNP	RNGE	DIVERSIONS	WATER SOURCES	DATE	CHANGE FACILITY NAME
D001	NWSWSE08	060S	160E	W01	GROUNDWATER : ZONE 1		NO
I001	SESWSE08	060S	160E	W01	GROUNDWATER : ZONE 1	1971	NO

P W R S U M M A R Y

PWR #	APPLICABLE	APPLICABLE	*APPARENT FIRST USE DATE*		WATER SOURCES AND CLASSIFICATIONS
	ADJ FILINGS	PRE FILINGS	DATE BASIS FOR	DATE	
D001	NONE	NONE			GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
I001	NONE	NONE	1971	1971 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

Q U A N T I T I E S O F U S E

PWR #	QUANTIFICATION	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
	TYPE						
D001							SEE VOLUME 1 - GENERAL ASSESSMENT
I001	MAX. OBSERVED	15.7	MULTI.-DBL.	38%	7.6 AF/AC	119.3 AFA	
	REGIONAL	15.7	AVE. CROP	50%	5.4 AF/AC	84.8 AFA	
	MAX. POTENTIAL	15.7	ALFALFA	38%	8.8 AF/AC	138.2 AFA	

E X P L A N A T I O N

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION AND DOMESTIC USES.

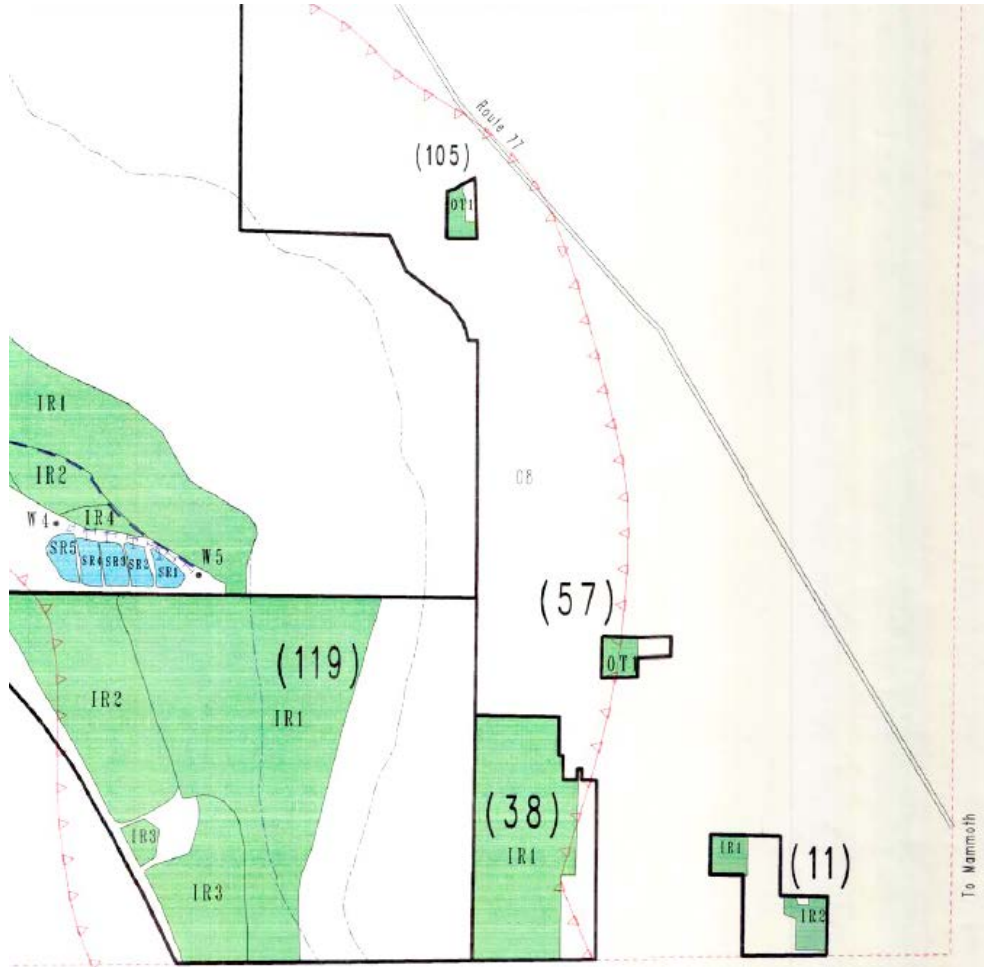
USES AND RESERVOIRS

DM1 - DOMESTIC USE.

IR1 - IRRIGATED MULTIPLE-DOUBLE CROPS (SMALL GRAINS AND PASTURE).

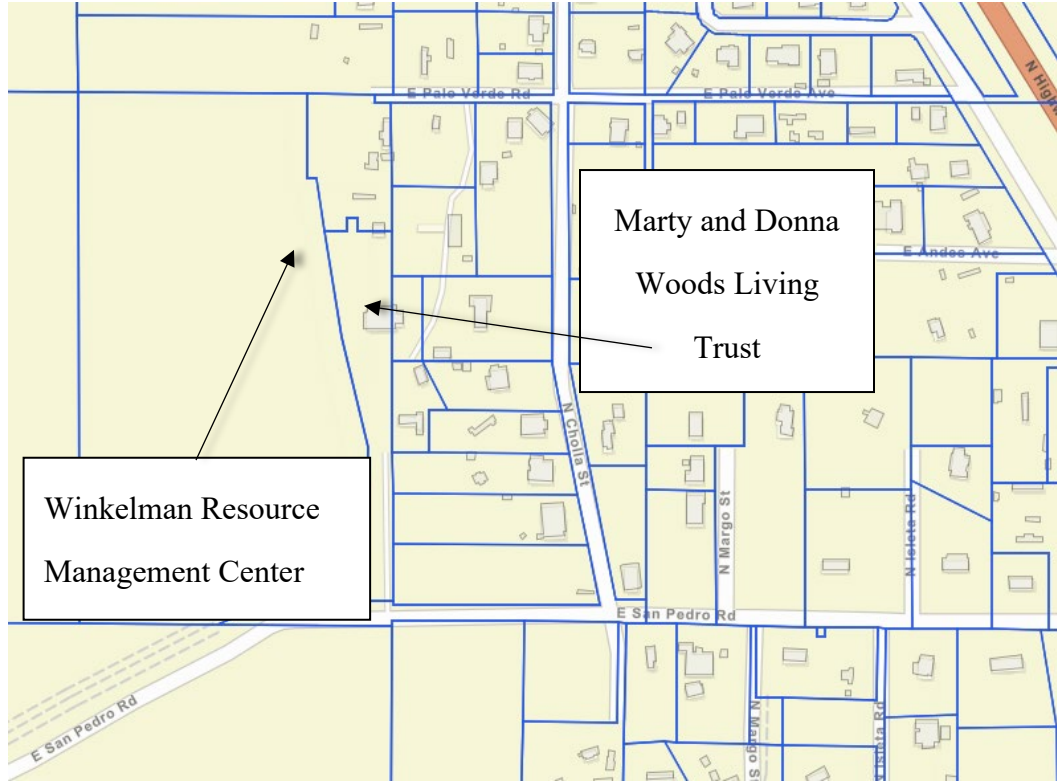
ATTACHMENT B

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ATTACHMENT C

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ATTACHMENT D

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Arizona Department of Water Resources
Kimberly R. Parks and Kome Akpolo
1110 West Washington, Suite 310
Phoenix, AZ 85007

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

Gila River Indian Community
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Office of the General Counsel
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Phoenix, AZ 85004

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Fennemore Craig, P.C.
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Phoenix, AZ 85016-3429

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

J. B. Weldon, M. A. McGinnis, M. K. Foy
Salmon, Lewis & Weldon
2850 E. Camelback Rd. Suite 200
Phoenix, AZ 85016

Tonto Apache Tribe
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and Lauren Mulhern
Rosette, LLP
565 W. Chandler Blvd. Suite 212
Chandler, AZ 85225

Josh Edelstein Phoenix Field Solicitor
Office of the Solicitor
U.S. Department of the Interior
Sandra Day O'Connor U.S. Courthouse
Ste. 404 401 W. Washington St., SPC 44
Phoenix, AZ 85003

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

Winkelman Resource Management Center
PO Box 1507
Kearny, AZ 85137

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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

ATTACHMENT F

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Court Connect Hearing Notice for In re Barney Ray & Donna J. Woods

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 Barney Ray & Donna J. Woods, Contested Case No. W1-11-3110

Start Date/Time: November 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](#)

