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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. **W1-11-3121**

**ORDER INITIATING CONTESTED  
CASE AND SETTING INITIAL  
CONFERENCE**

CONTESTED CASE NAME: *In re BLM – Safford District*  
HSR INVOLVED: San Pedro Hydrographic Survey.  
DESCRIPTIVE SUMMARY: The Clerk of Maricopa County Superior Court is directed to initiate W1-11-3121. Initial conference set for **April 25, 2024, at 10:45 a.m.**  
NUMBER OF PAGES: 13

**General Explanation**

This order opens a case to determine rights to use water on land owned by the Arizona State Land Department and the Bureau of Land Management. The first step in this case is an initial conference with the Court, scheduled **April 25, 2024, at 10:45 a.m.** to determine if landowners are interested in pursuing potential water rights. Interested Parties **MUST** attend the scheduled initial conference if they plan to pursue potential water rights. Failure to appear at the initial conference could result in the dismissal of the case and the loss of water rights associated with the properties.

In this case, George B. Gordon filed Statement of Claimant (“SOC”) 39-4166 on May 22, 1980, to assert claims to use water on land in Section 8 Township 6 South, Range

1 16 East.

2 The first step in this case will be an initial conference, where landowners will state  
3 whether they intend to pursue water rights.

4

5 **Additional background information on the process for determining water rights**  
6 **in Arizona can be found on Attachment A.**

7

8 **Details of the Case**

9 On May 22, 1980, George B. Gordon (“Claimant”) filed Statement of Claimant  
10 (“SOC”) 39-4166, which claimed rights to use groundwater for domestic and irrigation  
11 purposes.

12 The Arizona Department of Water Resources (“ADWR”) investigated the claims  
13 made by the Claimant and prepared Watershed File Report No. 114-04-BAC-019  
14 (“WFR”), published in the Final San Pedro Watershed Hydrographic Survey Report  
15 (1991) (“San Pedro HSR”). The WFR recorded that a well in NESWSW Section 8  
16 Township 6 South, Range 16 East was being used for irrigation purposes. ADWR also  
17 published a map of the area investigated, denoted by “(019).” A copy of the WFR is  
18 attached as Attachment B, and a copy of the map is attached as Attachment C.

19 After ADWR issued the WFR, objections were filed to the findings made in the  
20 WFR by the United States, ASARCO, George B. Gordon, the Gila River Indian  
21 Community, San Carlos Apache Tribe, Tonto Apache Tribe, the Yavapai-Apache Tribe,  
22 the Camp Verde Reservation, and the Salt River Project.

23

24 **Claimant and Landowners**

25 The WFR lists BLM – Safford District as the owner of the property investigated.  
26 According to maps provided by ADWR and the Navajo County Assessor (“Assessor”),  
27 the land investigated appears to comprise Pinal County tax parcel 300-46-002 and an  
28 approximately 80-acre parcel of land directly south.

1 A map showing the relevant parcels, the San Pedro River subflow zone, and the  
2 approximate location of the well supplying the irrigation uses detailed in the WFR is  
3 attached as Attachment D.

4 The public records of the Arizona Department of Water Resources do not contain  
5 any assignments of the SOC listed in the WFR, and the current landowners do not appear  
6 to have filed any additional SOCs.

7 To pursue water rights, a property owner must file a Statement of Claimant and  
8 present to the Court evidence of the existence of a water right on their property. This  
9 evidence may include the WFR. If either the property owner proves to the Court the  
10 existence of water rights on their property or enters into a valid settlement approved by  
11 the Court, the Court will recognize enforceable water rights in a “Final Decree.” Ariz.  
12 Rev. Stat. § 45-257(B).

13 This is an Order from the Court. All parties must comply with the following  
14 instructions. The failure to obey this, or any, court order may result in the dismissal of  
15 this case and the loss of any potential water rights associated with the properties  
16 mentioned in this Order. If you have questions regarding this order or any of the  
17 attachments, please contact the General Stream Adjudication, Office of the Special Water  
18 Master, at (602) 372-4115. Please note that staff can only answer administrative  
19 questions and cannot provide legal advice.

20  
21 **IT IS ORDERED:**

- 22 1. Case Initiation. This contested case shall be known as *In re BLM –*  
23 *Safford District*, and it will resolve claims to appropriable water asserted in  
24 Statement of Claimant 39-4166 and objections that were filed to Watershed  
25 File Report No. 114-04-BAC-019.
- 26 2. Initial Conference. An initial conference shall be held on **April 25, 2024,**  
27 **at 10:45 a.m.** to determine whether current landowners intend to pursue claims  
28 for water rights. The conference will be held using the Court Connect program.

1 Instructions for Court Connect are attached as Attachment F. If you receive  
2 this order by email, click on the red box “Join Court Connect Hearing” on the  
3 attached instructions to make an appearance. If you do not receive this order  
4 by email, log into the Court Connect program on the internet by typing  
5 <https://tinyurl.com/specialwatermaster>. If you do not have access to the  
6 internet, you may attend telephonically using the telephone number and access  
7 code included in the instructions for Court Connect.

8 3. Parties. The litigants in this contested case are the Claimant, the current  
9 landowners, and any party who filed an objection to the Watershed File Report.  
10 The objectors in this case are the United States, ASARCO, George B. Gordon,  
11 the Gila River Indian Community, San Carlos Apache Tribe, Tonto Apache  
12 Tribe, the Yavapai-Apache Tribe, the Camp Verde Reservation, and the Salt  
13 River Project.

14 4. Objections. Copies of the objections filed to WFR No. 114-04-BAC-019 can  
15 be found under the case number W1-11-3121 on the following website:  
16 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudi>  
17 [cation/whatsNew.asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudi).

18 5. Court-Approved Mailing List.

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

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  
26 on the Court-approved mailing list.

27 C. Claimants wishing to be added or removed from the mailing list shall  
28 file a motion with the Special Master. Parties allowed to intervene

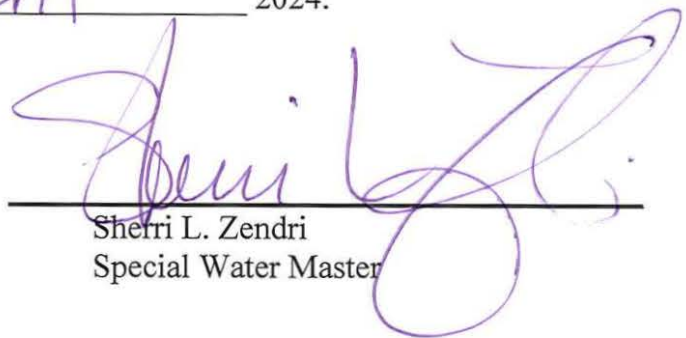
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will be automatically added to the Court-approved mailing list.

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.

E. Claimants who would like to receive courtesy copies of minute entries and orders may request inclusion on an email list by sending a request to emily.natale@jbazmc.maricopa.gov.

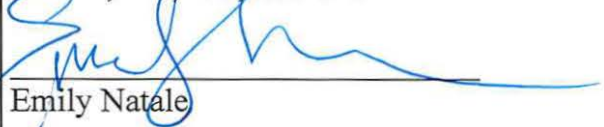
Signed this 1<sup>st</sup> day of April 2024.



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Sherri L. Zendri  
Special Water Master

On April 1, 2024, 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, and to all persons listed on the Court-approved mailing list for W1, W2, W3, and W4.



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Emily Natale

**ATTACHMENT A**

**General Background on the Water Rights Determination Process in Arizona**

A general stream adjudication is a judicial proceeding to determine the quantity and priority of all water rights in a river system. Arizona is undertaking general stream adjudications of both the Gila River and the Little Colorado River systems. A river system includes surface water flowing “in streams or other natural channels,” groundwater sufficiently connected to that surface water, and water subject to claims by the federal government. Ariz. Rev. Stat. § 45-251(7). Recognizing and respecting water rights and the priority of such rights is important in Arizona where times of drought or water scarcity can occur.

All cases begin with the filing of a “Statement of Claimant,” (“SOC”) in which a property owner makes a claim for a right to use surface water on their property. Ariz. Rev. Stat. § 45-254(A). This person is the “claimant.” The SOCs contain, among other characteristics, a description of the source and quantity of the water used, the location of use, the location from which the water was diverted, and the date when the water was first put to use. *Id.* § 45-254(C).

After the property owner files the SOCs, the Arizona Department of Water Resources (“ADWR”) prepares a “Watershed File Report,” (“WFR”) in which ADWR investigates the claims in the SOCs and recommends water rights associated with the property. *Id.* § 45-256(B). ADWR compiles all WFRs for a watershed into a comprehensive Hydrographic Survey Report (“HSR”) and publishes the report for public review and comment. In response, other claimants in the Adjudication may file “objections” disputing the information or recommendations in the WFR. The individuals who file objections are called “objectors.”

This “contested case”, one of thousands in the Gila River System, will evaluate claims asserted in specific Statements of Claimant while considering objections to the WFR that reported ADWR’s initial inspection of those claims.

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**ATTACHMENT B**  
**Watershed File Report**

LAND OWNER	WATERSHED FILE REPORT NUMBER	LESSEE/ALLOTTEE	LEASE-PERMIT ID
BLM - SAFFORD DISTRICT	114-04-BAC-019	GORDON, GEORGE B. % MR. WES POLLEY, ESQ.	4517

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

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
10-1103152.1100		IRRIGATION		SW08 060S 160E NW17 060S 160E			1885	NENW20 060S 160E		
39-0004166		IRRIGATION DOMESTIC STOCK	91.00 .10 .18	SW08 060S 160E			1946	NENSW08 060S 160E		

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
10-1103152.1100	IRRIGATION	NOT APPLICABLE		
39-0004166	IRRIGATION DOMESTIC STOCK	IRRIGATION NONE INCIDENTAL	WO1	IRO03

D I V E R S I O N S

DIV #	LOCATION SECTION TWNP RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	NENSW08 060S 160E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

U S E S

PWR #	LOCATION SECTION TWNP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	CHANGE	FACILITY NAME
IRO03	NWNW17 060S 160E	WO1	GROUNDWATER : ZONE 1	1971	NO	

S H A R E D U S E S A N D D I V E R S I O N S

\*\* WATER FROM WO1 FOUND IN FILE (114-04BAB119) IS USED IN THIS FILE

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
IRO03	39-0004166	NONE	1971 1971 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
NONE	NONE	10-1103152.1100		

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

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IRO03	MAX. OBSERVED	1.8	PERM. PSTR	58%	5.4 AF/AC	9.7 AFA	
	REGIONAL	1.8	AVE. CROP	50%	5.4 AF/AC	9.7 AFA	
	MAX. POTENTIAL	1.8	ALFALFA	58%	5.7 AF/AC	10.3 AFA	



FILINGS AND DECREES

FILING 10-1103152-11 - CLAIMS AN IRRIGATION WATER USE FROM THE SAN PEDRO RIVER. THE CLAIMED USE DOES NOT APPLY TO ANY POTENTIAL WATER RIGHTS (P.W.R.'S) IN THIS W.F.R.  
FILING 39-4166 - CLAIMS IRRIGATION, DOMESTIC, AND STOCKWATERING USES. NO DOMESTIC USE WAS FOUND AT THE CLAIMED LOCATION.

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION USES.

USES AND RESERVOIRS

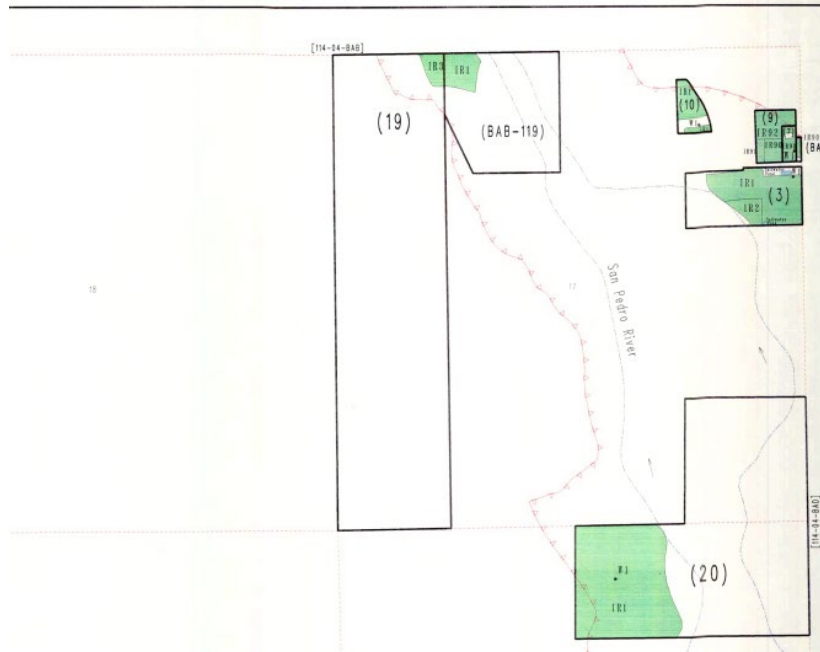
IR3 - IRRIGATED PASTURE.

SHARED USES AND DIVERSIONS

W1 - WELL IS SHARED WITH W.F.R. #114-04-BAB-119.

**ATTACHMENT C**

**WFR Map**

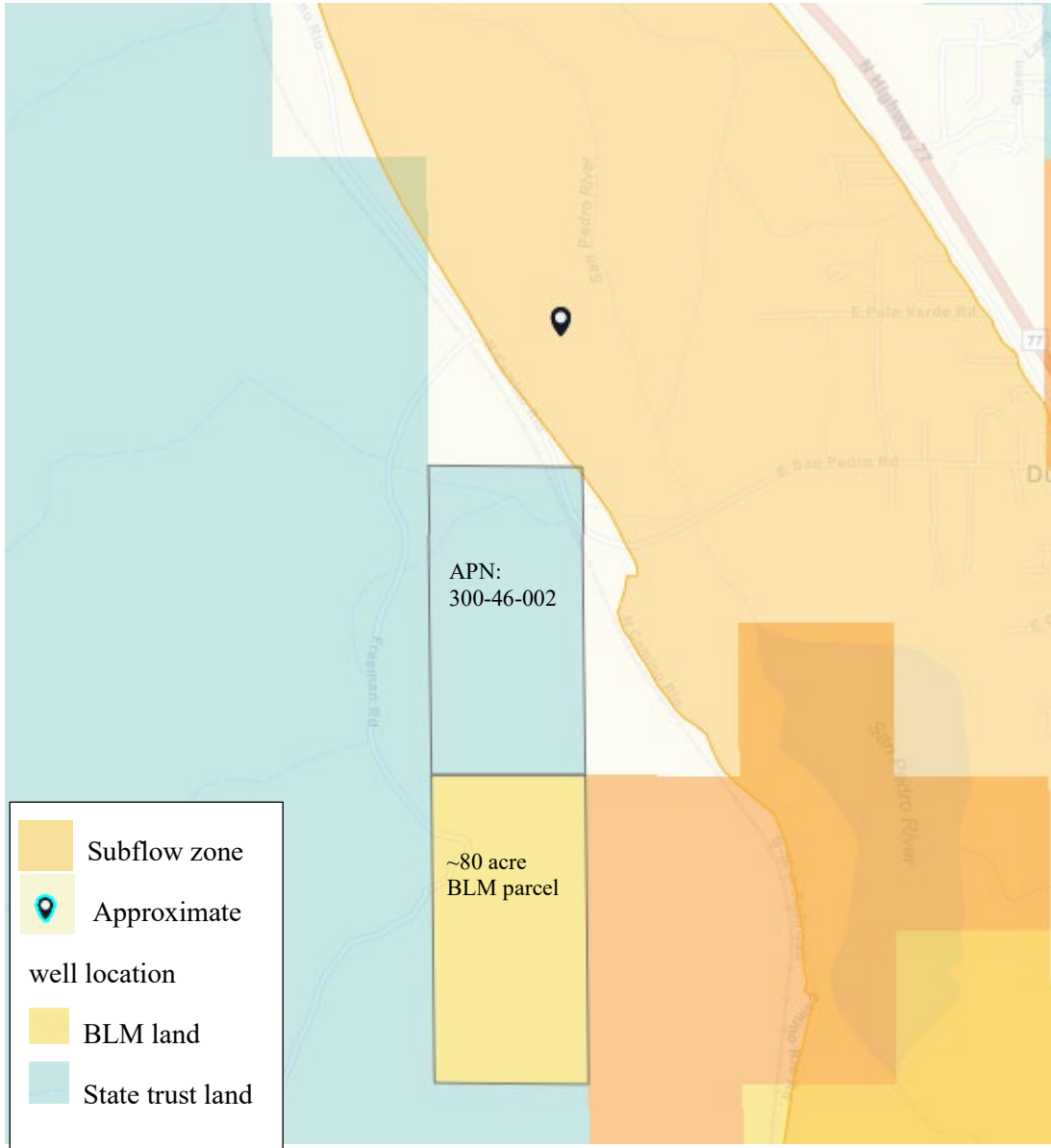


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**ATTACHMENT D**

**Assessor Map**



**ATTACHMENT E**

**Initial Court-Approved Mailing List**

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Arizona Department of Water Resources  
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Maricopa County  
Attn: Water Case  
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San Carlos, AZ 85550

Gila River Indian Community  
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Office of the General Counsel  
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Sacaton, AZ 85147

George B. Gordon  
PO Box 3565  
Winkelman, AZ 85292

**ATTACHMENT F**



**Court Connect Hearing Notice for In re BLM – Safford District**

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 BLM – Safford District**

**Contested Case No. W1-11-3121**

**Start Date/Time: April 25, 2024 at 10:45 a.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](#)