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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. W1-11-3365

ORDER TO INITIATE CONTESTED CASE

AND

ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re Goldwater, Inc.*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Case initiated and status conference set for **January 10, 2022 at 2:20 p.m.**
NUMBER OF PAGES: 18
DATE OF FILING: November 9, 2021

General Explanation

This Order begins the process necessary to adjudicate claims for rights to appropriable water for land that Arizona Department of Water Resources identified as owned by Goldwater, Inc. 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

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

7 In this case, Bingham Silver Lead Company ("Claimant") filed a Statement of Claimant
8 on December 24, 1979 for future use of "percolating groundwater" in connection with mining
9 claims. Claimant identified the place of use by reference to patented and unpatented mining
10 claims. The Arizona Department of Water Resources ("ADWR") investigated those claims and
11 prepared a report known as Watershed File Report No. 115-05- 043 ("WFR") published in the
12 Final San Pedro River Watershed Hydrographic Survey Report (1991). A copy of the WFR is
13 attached as Attachment A.

14 The WFR identified the land for which claims to water rights were asserted as Section
15 29 Township 6S R20E. After ADWR issued the WFR, objections were filed to the findings
16 made in the WFR. The purpose of this case is to consider the claims made for water rights that
17 are the subject of the WFR and resolve the objections to the WFR.
18

19 **Claimant & Landowners**

20
21 The WFR identified one Statement of Claimant (SOC) relevant to the potential water
22 right: 39-2275. Bingham Silver Lead Company filed the SOC. A copy of a map filed by
23 Bingham Silver Lead Company with the SOC is attached as Attachment B. The WFR lists
24 Goldwater Inc. as the owner of the property described in the WFR. The public records
25 maintained by the ADWR do not include an assignment of the SOC from the Claimant to the
26 successor landowner.

27 The records of the Graham County Recorder include a quit claim deed from Bingham
28 Silver Lead Company to Gold-Water, Inc. for mining claims in Graham County. On September

1 23, 1994, a warranty deed was filed with the Graham County Recorder for land and mining
2 claims in Section 29 Township 6S R20E to the Corporation of the Presiding Bishop of the Church
3 of Jesus Christ of LDS. The records of the Graham County Assessor lists Corporation of the
4 Presiding Bishop of the Church Of Jesus Christ of LDS as the owner of tax parcel 110-33-002.

5
6 **IT IS ORDERED:**

7 1. Contested Case. This contested case shall be known as *In re Goldwater, Inc.* and
8 it will determine appropriable water rights asserted in the Statement of Claimant and objections
9 that were filed to Watershed File Report 115-05-043 published in the Final San Pedro River
10 Watershed Hydrographic Survey Report (1991). Copies of objections can be found under the
11 case name and number on the following website:
12 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
13 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

14 2. Litigants. The litigants in this contested case are the Claimant, the current
15 landowner, all persons who filed objections to the WFR, who are included on Attachment C, and
16 parties who are allowed to intervene by order.

17
18 3. Court-Approved Mailing List.

19 A. The initial Court-approved mailing list for this case shall include all
20 persons listed on Attachment C to this order. The list may be modified
21 only by filing a motion with the Special Master to amend the Court-
22 approved mailing list. Litigants are responsible for using the current
23 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 on the
26 Court-approved mailing list.
27
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1 C. Claimants wishing to be added to or removed from the mailing list shall
2 file a motion with the Special Master. Parties allowed to intervene will be
3 automatically added to the Court-approved mailing list.

4 D. The Clerk of the Court will send copies of all minute entries and orders
5 issued in this case to the parties listed on the Court-approved mailing list.
6 Upon request, the Clerk of the Court will provide copies by email. Parties
7 may request emailed copies of minute entries and orders by completing
8 and submitting a CONSENT FOR ELECTRONIC RECEIPT OF WATER
9 CASE DOCUMENTS, which is attached as Attachment D.
10

11
12 4. Status Conference.

13
14 A. An initial status conference shall be held to determine whether the
15 Claimant or Corporation of the Presiding Bishop of the Church of Jesus
16 Christ of LDS intend to pursue claims for rights to appropriable water. If
17 so, the parties seeking water rights shall be prepared at the Status
18 Conference to provide information about efforts undertaken to assign or
19 file a Statement of Claimant.
20

21 B. If the Claimant or the current landowner intend to pursue rights to
22 appropriable water for use on the land, the parties will be expected to
23 advise whether they are interested in pursuing discussions to resolve the
24 objections to the WFR and the amount of time that the parties believe
25 will be necessary to complete those discussions.
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1
2 C. If the objections cannot be settled, then a subsequent date will be set for
3 a scheduling conference to identify issues, file disclosure statements,
4 conduct discovery, submit prehearing motions, and hold a trial. No party
5 shall conduct any discovery or file any motions prior to the Status
6 Conference.
7

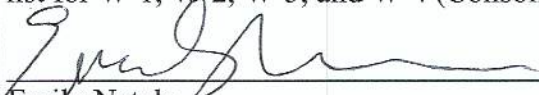
8 The Status Conference shall be held on **January 10, 2022 at 2:20 p.m.** The Status
9 Conference shall be held using the Court Connect program. Instructions for Court Connect are
10 attached as Attachment E. If you receive this Order by email, click on the red box "Join Court
11 Connect Hearing" on the attached instructions to make an appearance. If you do not receive this
12 Order by email, log into the Court Connect program on the internet by typing
13 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend
14 telephonically using the telephone number and access code included in the instructions for Court
15 Connect. If you are unable to access Court Connect, you may also attend telephonically using
16 the following instructions:
17

18 Instructions for telephonic appearance:
19 Dial: 602-506-9695 (local)
20 1-855-506-9695 (toll free long distance)
21 Dial Participant Pass Code 357264#
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SUSAN WARD HARRIS
Special Master

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On November 9, 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 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
GOLDWATER, INC.	115-05-043

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

WI-11-3365

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE
39-0002275						29 060S 200E				

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
39-0002275				

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
NONE	39-0002275	NONE		

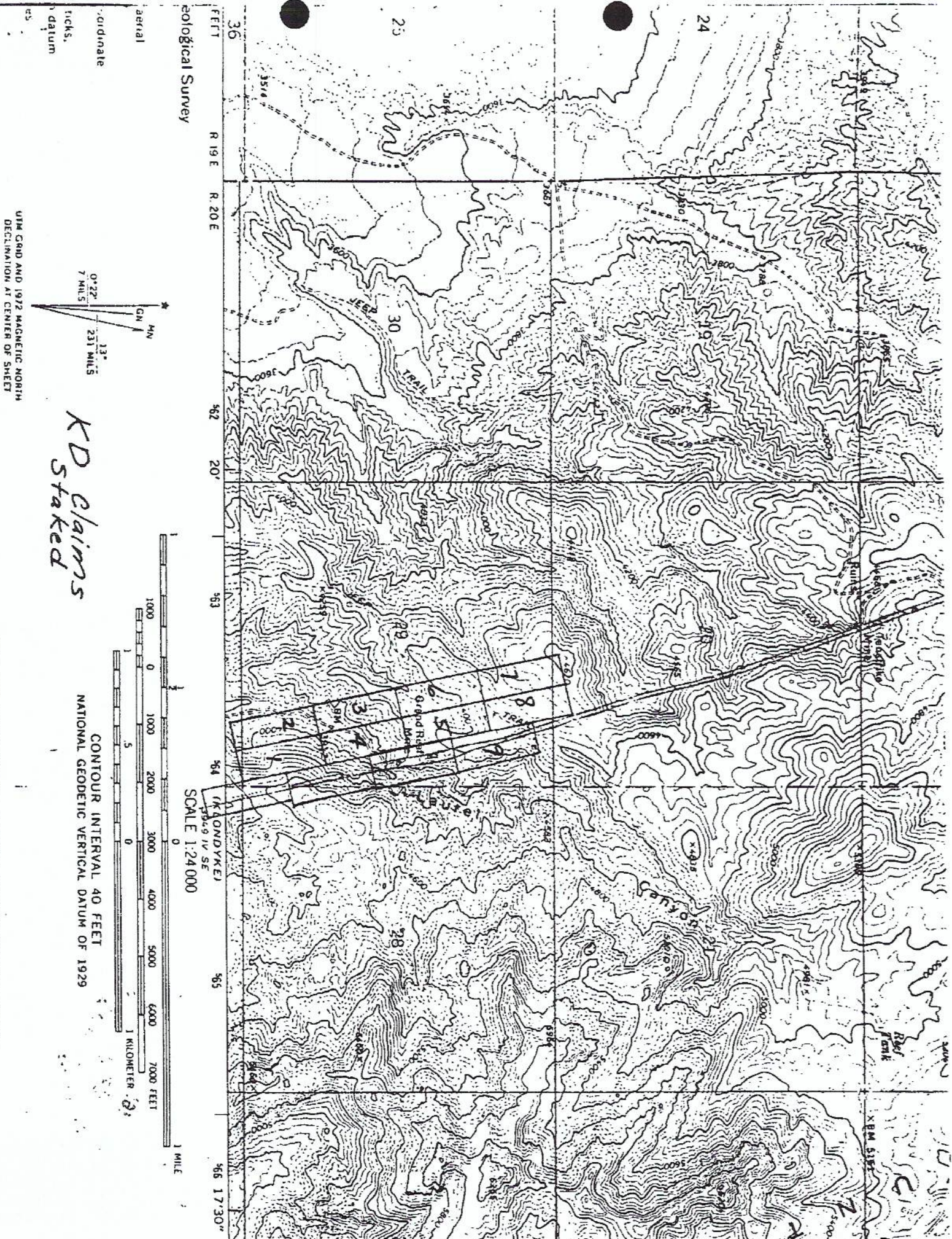
E X P L A N A T I O N

FILINGS AND DECREES

FILING 39-2275 - NO WATER USES OR AMOUNTS ARE CLAIMED IN THIS FILING. NO WATER USES WERE FOUND AT THE CLAIMED LOCATION.

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ATTACHMENT B



*KD Claims
Staked*

CONTOUR INTERVAL 40 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

SCALE 1:24 000

UTM GRID AND 1972 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS

ATTACHMENT C

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

Bingham Silver Lead Company
Donald H. Pickett
1150 Augusta Way
Salt Lake City, UT 84108

Bingham Silver Lead Company
1931 South 11th East
Salt Lake City, Utah 85105

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

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

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Scottsdale, AZ 85251-4573

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Laura Brennan
Richard Palmer, Jr., Jeremiah Weiner
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Rosette, LLP
565 W. Chandler Blvd. Suite 212
Chandler, AZ 85225

1 S. Montgomery, R. Interpreter, J. Tomkus
2 Montgomery & Interpreter, Plc
3 3301 E. Thunderbird Road
4 Phoenix, AZ 85032

5 Special Master Susan Ward Harris
6 Superior Court of Arizona
7 201 W. Jefferson Street
8 Courtroom 301
9 Phoenix, AZ 85003

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ATTACHMENT D

**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 E



Court Connect Hearing Notice for In re Goldwater, Inc.

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 Goldwater, Inc., Contested Case No. W1-11-3365

Start Date/Time: January 10, 2022 at 2:20 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](#)

