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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. W1-11-0513

ORDER TO INITIATE CONTESTED CASE

AND

ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re Maralyn J. Parker*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Case initiated and status conference set for **September 2, 2021 at 1:50 p.m.**
NUMBER OF PAGES: 16
DATE OF FILING: July 20, 2021

General Explanation

This Order begins the process necessary to adjudicate claims for rights to appropriable water for land in the northwest quarter of the northwest quarter of Section 9 and the southeast quarter of Section 5 Township 22S Range 18E. This contested case is one of the many cases in

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

8 On May 24, 1979, Maralyn J. Parker and Eva Wearne filed four statements of claimant
9 asserting rights to water for irrigation, domestic, stockpond and stock watering uses. On
10 December 31, 1984, Maralyn J. Parker filed two additional statements of claimant. The Arizona
11 Department of Water Resources (“ADWR”) investigated those claims and prepared a report
12 known as Watershed File Report No. 111-22-015 (“WFR”) published in the Final San Pedro
13 River Watershed Hydrographic Survey Report (1991) (the “San Pedro HSR”). A copy of the
14 WFR is attached as Attachment A.

15 The WFR found no water used for irrigation or domestic use on the property. The
16 purpose of this case is to consider the claims made for water rights that are the subject of the
17 WFR and resolve any objections to the WFR.
18

19 **Claimants & Landowners**

20
21 The WFR identified six Statements of Claimant: 39-1001, 39-1002, 39-1003, 39-1005,
22 39-11705, and 39-11706. The public records of the Arizona Department of Water Resources do
23 not include any assignment of these Statements of Claimant. As the persons submitting the
24 Statements of Claimant, Maralyn J. Parker and Eva Wearne are the Claimants in this action.

25 The WFR names Maralyn Parker as the owner of the property investigated by the WFR.
26 The maps prepared as a part of the San Pedro HSR do not, however, include a separate map
27 showing the boundaries of WFR. The records of the Santa Cruz County Assessor list Maralyn
28 Parker as the owner of tax parcel 108-53-017 located in the southwest quarter of the southeast

1 quarter of Section 5 and the northwest quarter of the northwest quarter of Section 9 T20S R20E.
2 108-53-017 A copy of a map prepared by the Santa Cruz County Assessor showing tax parcel
3 108-53-017 is attached as Attachment B.

4
5
6 **IT IS ORDERED:**

7 1. Contested Case. This contested case shall be known as *In re Maralyn J. Parker*
8 and it will determine the claims to appropriable water rights investigated in and objections to
9 Watershed File Report 111-22-015 published in the Final San Pedro River Watershed
10 Hydrographic Survey Report (1991). Copies of objections can be found under the case name
11 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 Claimants, all persons who
15 filed objections to the WFR, and current landowner, who are included in Attachment C, and
16 claimants 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 or removed from the mailing list shall file
2 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 4. Status Conference.

12
13 A. An initial status conference shall be held to determine whether the
14 Claimants or current landowner intend to pursue claims for rights to
15 appropriable water.

16 B. If the Claimants or current landowner intend to pursue rights to
17 appropriable water for use on the land, the parties will be expected to
18 advise whether they are interested in pursuing discussions with the
19 objecting parties to resolve the objections to the WFR and the amount of
20 time that the parties believe will be necessary to complete those
21 discussions.
22

23 C. If the objections cannot be settled, then a subsequent date will be set for
24 a scheduling conference to identify issues, file disclosure statements,
25 conduct discovery, submit prehearing motions, and hold a trial. No party
26 shall conduct any discovery or file any motions prior to the Status
27 Conference.
28

1 The Status Conference shall be held on **September 2, 2021 at 1:50 p.m.** The Status
2 Conference shall be held using the Court Connect program. Instructions for Court Connect are
3 attached as Attachment E. If you receive this Order by email, click on the red box “Join Court
4 Connect Hearing” on the attached instructions to make an appearance. If you do not receive this
5 Order by email, log into the Court Connect program on the internet by typing
6 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend
7 telephonically using the telephone number and access code included in the instructions for Court
8 Connect.

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13 SUSAN WARD HARRIS
14 Special Master

15
16 On July 20, 2021, the original of the foregoing was
17 delivered to the Clerk of the Maricopa County Superior
18 Court for filing and distributing a copy to all persons
19 listed on the Court-approved mailing list for this contested
20 case, a copy of which is attached hereto as Attachment C,
21 and to all persons listed on the Court-approved mailing
22 list for W-1, W-2, W-3, and W-4 (Consolidated).
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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
PARKER, MARALYN J.	111-22-015

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

W1-11-53

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION TWNP RNGE	CLAIM DATE	DIVERSION LOCATION SECTION TWNP RNGE
36-0011026		IRRIGATION	30.00		1913	NWNW09 220S 180E
36-0011027		IRRIGATION	2.46		1913	NWNW09 220S 180E
		STOCK				
36-0011028		DOMESTIC	5.52		1913	NWNW09 220S 180E
		STOCK				
38-0011024		STOCK	1.50	SWSE05 220S 180E	1962	SWSE05 220S 180E
		REC/FISH/WLDF				
39-0001001		DOMESTIC	.31	NWNW09 220S 180E	1913	SENWNW09 220S 180E
		STOCK	5.22	SENW09 220S 180E		
39-0001002		IRRIGATION	.31	NWNW09 220S 180E	1913	NWNW09 220S 180E
		STOCK	2.15			
39-0001003		IRRIGATION	30.00	NWNW09 220S 180E	1913	
39-0001005		STOCK	1.50	SWSE05 220S 180E	1913	SWSE05 220S 180E
39-0011705	QUE.RECD	DOMESTIC	2.25	NWNW09 220S 180E	1939	SENWNW09 220S 180E
		STOCK	35.90			
39-0011706	QUE.RECD	IRRIGATION	33.87	NWNW09 220S 180E	1939	
		DOMESTIC	1.13			
		STOCK	1.11			

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0011026	IRRIGATION	NONE		
36-0011027	IRRIGATION	NONE		
	STOCK	CATALOGUED WELL		
36-0011028	DOMESTIC	NONE		
	STOCK	CATALOGUED WELL		
38-0011024	STOCK	NONE		
	WILDLIFE	NONE		
39-0001001	DOMESTIC	NONE		
	STOCK	CATALOGUED WELL		
39-0001002	IRRIGATION	NONE		
	STOCK	CATALOGUED WELL		
39-0001003	IRRIGATION	NONE		
39-0001005	STOCK	NONE		
39-0011705	DOMESTIC	NONE		
	STOCK	CATALOGUED WELL		
39-0011706	IRRIGATION	NONE		
	DOMESTIC	NONE		
	STOCK	CATALOGUED WELL		

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
NDNE	39-0001001	36-0011026		
	39-0001002	36-0011027		
	39-0001003	36-0011028		
	39-0001005	38-0011024		
	39-0011705			
	39-0011706			

EXPLANATION

FILINGS AND DECREES

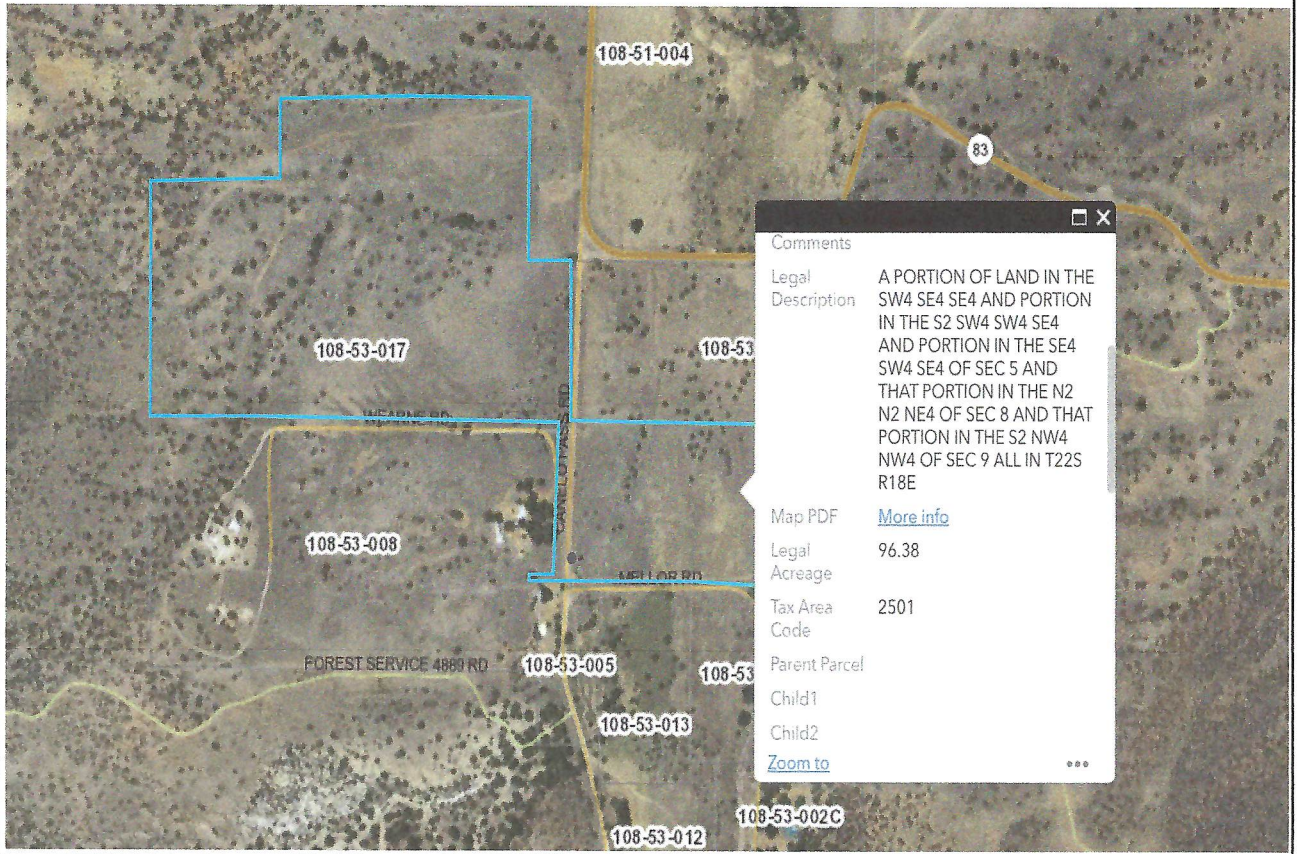
FILINGS 36-11026 & 39-1003 - CLAIM IRRIGATION WATER USES. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATIONS.

FILINGS 36-11027 & 39-1002 - CLAIM IRRIGATION AND STOCKWATERING USES. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATIONS.

FILINGS 36-11028, 39-1001 & 39-11705 - CLAIM DOMESTIC AND STOCKWATERING USES. NO DOMESTIC USES WERE FOUND AT THE CLAIMED LOCATIONS.
FILING 38-11024 - CLAIMS STOCKWATERING AND WILDLIFE WATER USES. NO STOCKWATERING OR WILDLIFE USES WERE FOUND AT THE CLAIMED LOCATION.
FILING 39-1005 - CLAIMS A STOCKWATERING USE. NO STOCKWATERING USE WAS FOUND AT THE CLAIMED LOCATION.
FILING 39-11705 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH PROVIDED WATER USE AMOUNTS FOR STOCKWATERING USES.
FILING 39-7006 - CLAIMS IRRIGATION, DOMESTIC, AND STOCKWATERING USES. NO IRRIGATION OR DOMESTIC USES WERE FOUND AT THE CLAIMED LOCATION.
FILING 39-11706 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH REFLECTS INFORMATION PREVIOUSLY PROVIDED IN THE ORIGINAL STATEMENT OF CLAIMANT.

ATTACHMENT B

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ATTACHMENT C

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

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

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

14 Joe P. Sparks and Laurel A. Herrmann
15 The Sparks Law Firm, P.C.
16 7503 First Street
Scottsdale, AZ 85251-4573

17 Maralyn J. Parker
18 24 Canelo Pass Road
Elgin, Arizona

19 Maralyn J. Parker
20 Box 717
Holbrook, Arizona 86025

21 Maralyn J. Parker
22 3673 Seven Hills Road
23 Castro Valley, CA 94546

24 Richard Palmer, Jr., Jeremiah Weiner
and Lauren Mulhern
25 Rosette, LLP
26 565 W. Chandler Blvd. Suite 212
Chandler, AZ 85225

27

28

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

3
4 Special Master Susan Ward Harris
Superior Court of Arizona
5 201 W. Jefferson Street
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:

Visit us at our website: www.clerkofcourt.maricopa.gov

L.R.D. 4-09-16

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 Maralyn J. Parker

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 in an online, rather than 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 proceeding which will be conducted remotely.

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 Maralyn J. Parker, Contested Case No. W1-11-0513

Start Date/Time: September 2, 2021 at 1:50 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](#)

