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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. W1-11-0730

ORDER TO INITIATE CONTESTED CASE

AND

ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re William W. Hicks*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report  
DESCRIPTIVE SUMMARY: Case initiated and status conference set for **September 2, 2021 at 2:10 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 appropriate water for land in the southwest quarter of the southeast quarter of Section 5 Township 23S Range 21E. This contested case is one of the many cases in the General Stream Adjudication for the

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

8 On October 17, 1979, Lucian I. and Charlotte S. Powers filed Statement of Claimant 39-  
9 2101 asserting rights to water for irrigation and domestic use. The Arizona Department of Water  
10 Resources ("ADWR") investigated those claims and prepared a report known as Watershed File  
11 Report No. 111-23-AC-057 ("WFR") published in the Final San Pedro River Watershed  
12 Hydrographic Survey Report (1991) ("San Pedro HSR"). A copy of the WFR is attached as  
13 Attachment A.

14 The WFR found no water used for irrigation on the property and did not identify any  
15 potential water rights for use of appropriable water on the land. Consideration will be given in  
16 this case to the claims made for water rights that are the subject of the WFR and to the objections  
17 filed to the WFR.  
18

#### 19 **Claimants & Landowners**

20  
21 Lucian I. Powers and Charlotte S. Powers filed the relevant Statement of Claimant in this  
22 case. The public records of Arizona Department of Water Resources do not include an  
23 assignment of the Statement of Claimant from Lucian I. Powers or Charlotte Powers to any  
24 subsequent property owner. Accordingly, Lucian I. and Charlotte S. Powers are the Claimants  
25 in this contested case.

26 The WFR names William W. Hicks as the owner of the property investigated by the  
27 WFR. The maps prepared as a part of the San Pedro HSR do not, however, include a separate  
28 map showing the boundaries of WFR. The records of the Cochise County Assessor list the

1 trustees of the William W. and Jojuana Hicks Revocable Trust as the owner of tax parcel 104-  
2 02-005. A copy of a map prepared by the Cochise County Assessor showing tax parcel 104-02-  
3 005 is attached as Attachment B.

4  
5 **IT IS ORDERED:**

6 1. Contested Case. This contested case shall be known as *In re William W. Hicks*  
7 and it will determine the claims to appropriable water rights investigated in and objections to  
8 Watershed File Report 111-23-AC-057 published in the Final San Pedro River Watershed  
9 Hydrographic Survey Report (1991). Copies of objections can be found under the case name  
10 and number on the following website:  
11 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)  
12 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

13 2. Litigants. The litigants in this contested case are the Claimants, all persons who  
14 filed objections to the WFR, and current landowners, who are included in Attachment C, and  
15 claimants who are allowed to intervene by order.

16  
17 3. Court-Approved Mailing List.

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

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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.  
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**ATTACHMENT A**

LAND OWNER  
 -----  
 HICKS, WILLIAM W.

WATERSHED FILE  
 REPORT NUMBER  
 -----  
 111-23-AC-057

WI-11-730

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
39-0002101		IRRIGATION DOMESTIC	.08 .31	SWSE05 230S 210E		SWSE05 230S 210E

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
39-0002101	IRRIGATION DOMESTIC	NONE CATALOGUED WELL		

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	39-0002101	NONE		

E X P L A N A T I O N

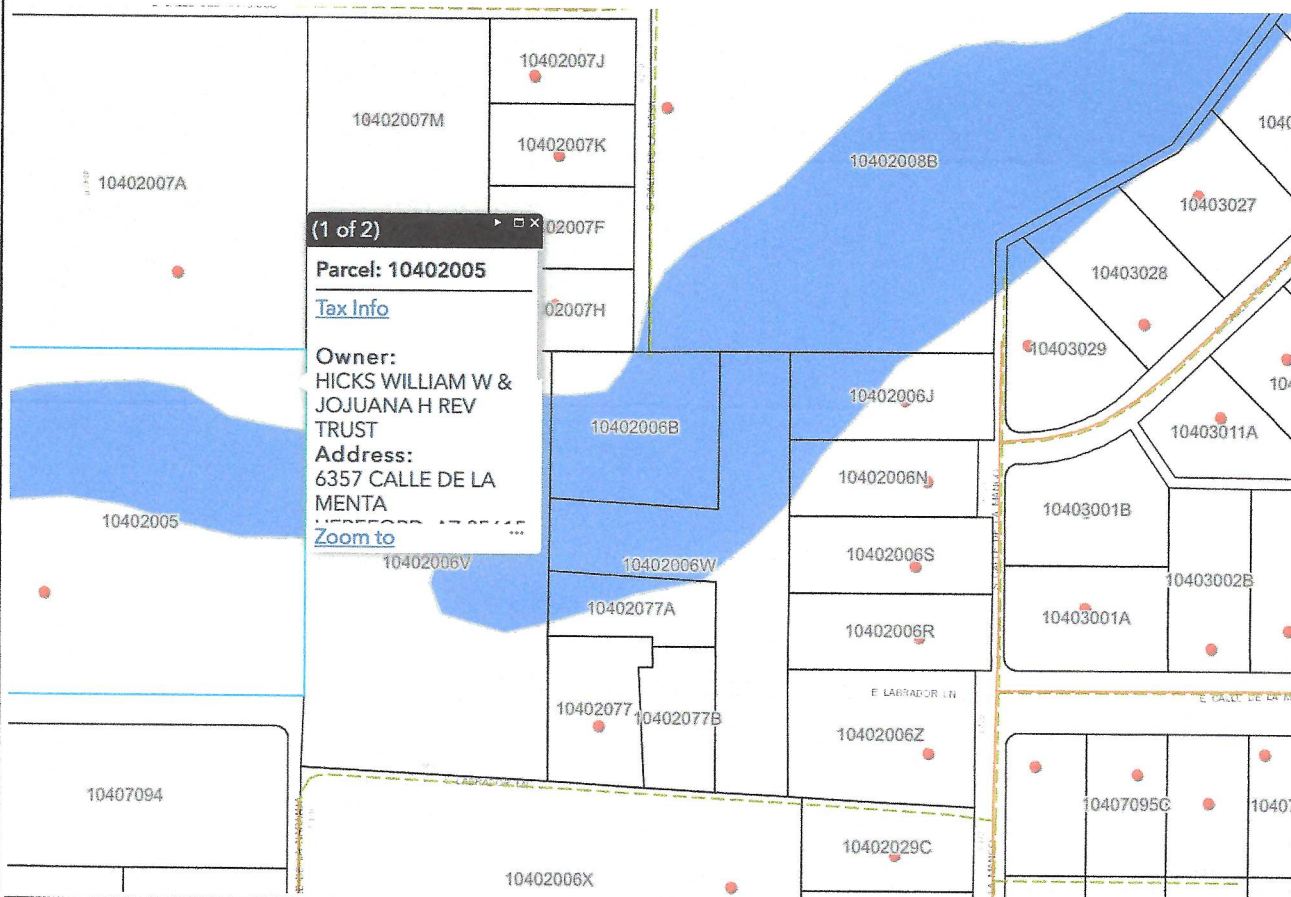
FILINGS AND DECREES

FILING 39-2101 - CLAIMS IRRIGATION AND DOMESTIC WATER USES. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATION.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED FROM THE PREVIOUS LAND OWNER STATING THAT WATER USES WERE SUPPLIED ENTIRELY BY A WATER COMPANY.  
 THE CURRUENT OWNER STATES THAT DOMESTIC WATER USES ARE SUPPLIED BY A PRIVATE WELL.

# ATTACHMENT B



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# ATTACHMENT C

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

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

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

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

17 Lucian I. and Charlotte S. Powers  
18 P. O. Box 2977  
Sierra Vista, Arizona

19 Richard Palmer, Jr., Jeremiah Weiner  
20 and Lauren Mulhern  
Rosette, LLP  
21 565 W. Chandler Blvd. Suite 212  
Chandler, AZ 85225

22 S. Montgomery, R. Interpreter, J. Tomkus  
23 Montgomery & Interpreter, Plc  
24 3301 E. Thunderbird Road  
Phoenix, AZ 85032

25 Special Master Susan Ward Harris  
26 Superior Court of Arizona  
27 201 W. Jefferson Street  
Phoenix, AZ 85003  
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Trustees of the William and Jojuana Hicks Revocable Trust  
6357 Calle de la Menta  
Hereford, Arizona 85615

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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](mailto:Mayra.Antelo@Maricopa.Gov).

Preferred email address:

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Alternate email address:

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Physical address:

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Phone number:

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Firm Name:

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*Visit us at our website: [www.clerkofcourt.maricopa.gov](http://www.clerkofcourt.maricopa.gov)*

L.R.D. 4-09-18

Name [Printed]:

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Signature:

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Date:

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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 William W. Hicks

*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 William W. Hicks, Contested Case No. W1-11-0730

**Start Date/Time:** September 2, 2021 at 2:10 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](#)

