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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. W1-11-1233

ORDER TO INITIATE CONTESTED CASE
AND
ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re Charles T. Cleveland*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Case initiated and status conference set for **September 2, 2021 at 1:30 p.m.**
NUMBER OF PAGES: 18
DATE OF FILING: June 21, 2021

General Explanation

This Order begins the process necessary to adjudicate claims for rights to appropriable water for land that the Cochise County Assessor has identified as owned by Charles T. Cleveland. This contested case is one of the many cases in the General Stream Adjudication for the San Pedro River Watershed that will determine legal rights to water. Other cases in

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

7 In this case, Charles T. Cleveland ("Claimant") filed Statements of Claimant on June 19
8 and 20, 1979 for rights to use water for domestic and irrigation purposes on land in Section 06
9 Township 23S Range 24E. The Arizona Department of Water Resources ("ADWR")
10 investigated those claims and prepared a report known as Watershed File Report No. 111-24-
11 ACD-001 ("WFR") published in the Final San Pedro River Watershed Hydrographic Survey
12 Report (1991). A copy of the WFR is attached as Attachment A.

13 The WFR found irrigation use and domestic use on the land. After ADWR issued the
14 WFR, objections were filed to the findings made in the WFR. The purpose of this case is to
15 consider the claims made for water rights that are the subject of the WFR and resolve the
16 objections to the WFR.

17 18 **Claimant & Landowners**

19
20 The WFR identified 10 Statements of Claimant ("SOCs") relevant to the potential water
21 rights: 39-0352, 39-0353, 39-0354, 39-0355, 39-0356, 39-0357, 39-0358, 39-0359, 39-0360,
22 39-0361. Charles T. Cleveland filed the SOCs claiming water for irrigation and domestic uses
23 supplied by springs located in the SWNWSW 06 T23S R24E, SENESE 01 T23S R23E, and
24 NENESE S01 T23S R23E. A copy of ADWR's map of the land described in the WFR is
25 attached as Attachment B. The WFR lists Robert L. Cleveland in care of Charles T. Cleveland
26 as the owners of the property described in the WFR. The records of the Cochise County
27 Assessor list Charles T. Cleveland as the owner of the property described in the WFR. A copy
28

1 of a map prepared by the Cochise County Assessor showing tax parcel 10354002 is attached as
2 Attachment C.

3
4 **IT IS ORDERED:**

5 1. Contested Case. This contested case shall be known as *In re Charles T.*
6 *Cleveland* and it will determine appropriable water rights asserted in the Statements of
7 Claimant and objections that were filed to Watershed File Report 111-24-ACD-001 published
8 in the Final San Pedro River Watershed Hydrographic Survey Report (1991). Copies of
9 objections can be found under the case name and number on the following website:
10 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
11 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

12 2. Litigants. The litigants in this contested case are the Claimant, all persons who
13 filed objections to the WFR, who are included on Attachment D, and claimants who are
14 allowed to intervene by order.

15
16 3. Court-Approved Mailing List.

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

23 B. A copy of any pleading filed with the Clerk of the Maricopa County
24 Superior Court in this case shall be served upon each person listed on the
25 Court-approved mailing list.
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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
6 list. Upon request, the Clerk of the Court will provide copies by email.
7 Parties may request emailed copies of minute entries and orders by
8 completing and submitting a CONSENT FOR ELECTRONIC RECEIPT
9 OF WATER CASE DOCUMENTS, which is attached as Attachment E.

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11 4. Status Conference.


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13 A. An initial status conference shall be held to determine whether the
14 Claimant, Charles T. Cleveland, intends to pursue claims for rights to
15 appropriable water.

16
17 B. If the Claimant intends to pursue rights to appropriable water for use on
18 the land, the parties will be expected to advise whether he is interested
19 in pursuing discussions to resolve the objections to the WFR and the
20 amount of time that the parties believe will be necessary to complete
21 those discussions.

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

3 The Status Conference shall be held on **September 2, 2021 at 1:30 p.m.** The Status
4 Conference shall be held using the Court Connect program. Instructions for Court Connect are
5 attached as Attachment F. If you receive this Order by email, click on the red box "Join Court
6 Connect Hearing" on the attached instructions to make an appearance. If you do not receive
7 this Order by email, log into the Court Connect program on the internet by typing
8 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may
9 attend telephonically using the telephone number and access code included in the instructions
10 for Court Connect.

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15 SUSAN WARD HARRIS
16 Special Master
17

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

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ATTACHMENT A

W1-11-1233

LAND OWNER
 CLEVELAND, ROBERT L.
 % CHARLES T. CLEVELAND

WATERSHED FILE
 REPORT NUMBER
 111-24-ACD-001

APPLICABLE FILINGS AND DECREES

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
39-0000352	QUE.RECD	DOMESTIC REC/FISH/WLDF		NESE01 230S 230E	1862	NESE01 230S 230E
39-0000353	QUE.RECD	DOMESTIC STOCK		NWNW06 230S 240E	1862	NWNW06 230S 240E
39-0000354	QUE.RECD	STOCK REC/FISH/WLDF		NWSW06 230S 240E	1862	NWSW06 230S 240E
39-0000355	QUE.RECD	STOCK REC/FISH/WLDF		SESE01 230S 230E	1862	SESE01 230S 240E
39-0000356	QUE.RECD	REC/FISH/WLDF		SESE01 230S 230E	1862	SESE01 230S 230E
39-0000357	QUE.RECD	DOMESTIC STOCK		NWNE12 230S 230E	1862	NWNE12 230S 230E
39-0000358	QUE.RECD	REC/FISH/WLDF		NWSE01 230S 230E	1862	NWSE01 230S 230E
39-0000359	QUE.RECD	DOMESTIC		SESE01 230S 230E	1862	SESE01 230S 230E
39-0000360	QUE.RECD	STOCK REC/FISH/WLDF		SESE01 230S 230E	1862	SESE01 230S 230E
39-0000361		DOMESTIC		NENE01 230S 230E	1862	NENE01 230S 230E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0000352	DOMESTIC WILDLIFE	DOMESTIC INCIDENTAL		DMOO1
39-0000353	DOMESTIC STOCK	NONE SPRING		
39-0000354	STOCK WILDLIFE	SPRING		
39-0000355	STOCK RECREATION WILDLIFE	SPRING		
39-0000356	WILDLIFE	SPRING		
39-0000357	DOMESTIC STOCK WILDLIFE	NONE SPRING		
39-0000358	WILDLIFE	SPRING		
39-0000359	DOMESTIC	DOMESTIC		DMOO1
39-0000360	STOCK WILDLIFE	SPRING		
39-0000361	DOMESTIC	DOMESTIC		DMOO1

DIVERSIONS

DIV #	LOCATION SECTION TWNP RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
S01	SWNWSW06 230S 240E	UNNAMED SPRING	SURFACE WATER: SAN PEDRO RIVER
S02	SENESE01 230S 230E	BIG TUNNEL	SURFACE WATER: SAN PEDRO RIVER
S03	NENESE01 230S 230E	UNNAMED SPRING	SURFACE WATER: SAN PEDRO RIVER

USES

PWR #	LOCATION SECTION TWNP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	CHANGE FACILITY NAME
DMOO1	NENESE01 230S 230E	S01	SURFACE WATER		NO
OT001	SWNWSW06 230S 240E	S01,S02	SURFACE WATER	1984	NO

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FILE 111-24-ACD-001 (CONTINUED)
P W R S U M M A R Y

CONTINUATION OF PAGE: 77

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DM001	39-0000352 39-0000359 39-0000361	NONE		SURFACE WATER: SAN PEDRO RIVER
OT001	NONE	NONE	1984 1984 AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER
NONE	39-0000353 39-0000354 39-0000355 39-0000356 39-0000357 39-0000358 39-0000360	NONE		

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
DM001							SEE VOLUME 1 - GENERAL ASSESSMENT
OT001	REGIONAL	.8	AVE. CROP	50%	5.4 AF/AC	4.3 AFA	

E X P L A N A T I O N

FILINGS AND DECREES

FILINGS 39-352 THROUGH 39-360 - UNIFORM QUESTIONNAIRES WERE RECEIVED WHICH PROVIDED CLAIMED USE INFORMATION.
 FILING 39-353 - CLAIMS DOMESTIC AND STOCKWATERING USES. NO DOMESTIC USE WAS FOUND AT THE CLAIMED LOCATION.
 FILING 39-357 - CLAIMS DOMESTIC, STOCKWATERING, AND WILDLIFE WATER USES. NO DOMESTIC USE WAS FOUND AT THE CLAIMED LOCATION.

DIVERSIONS

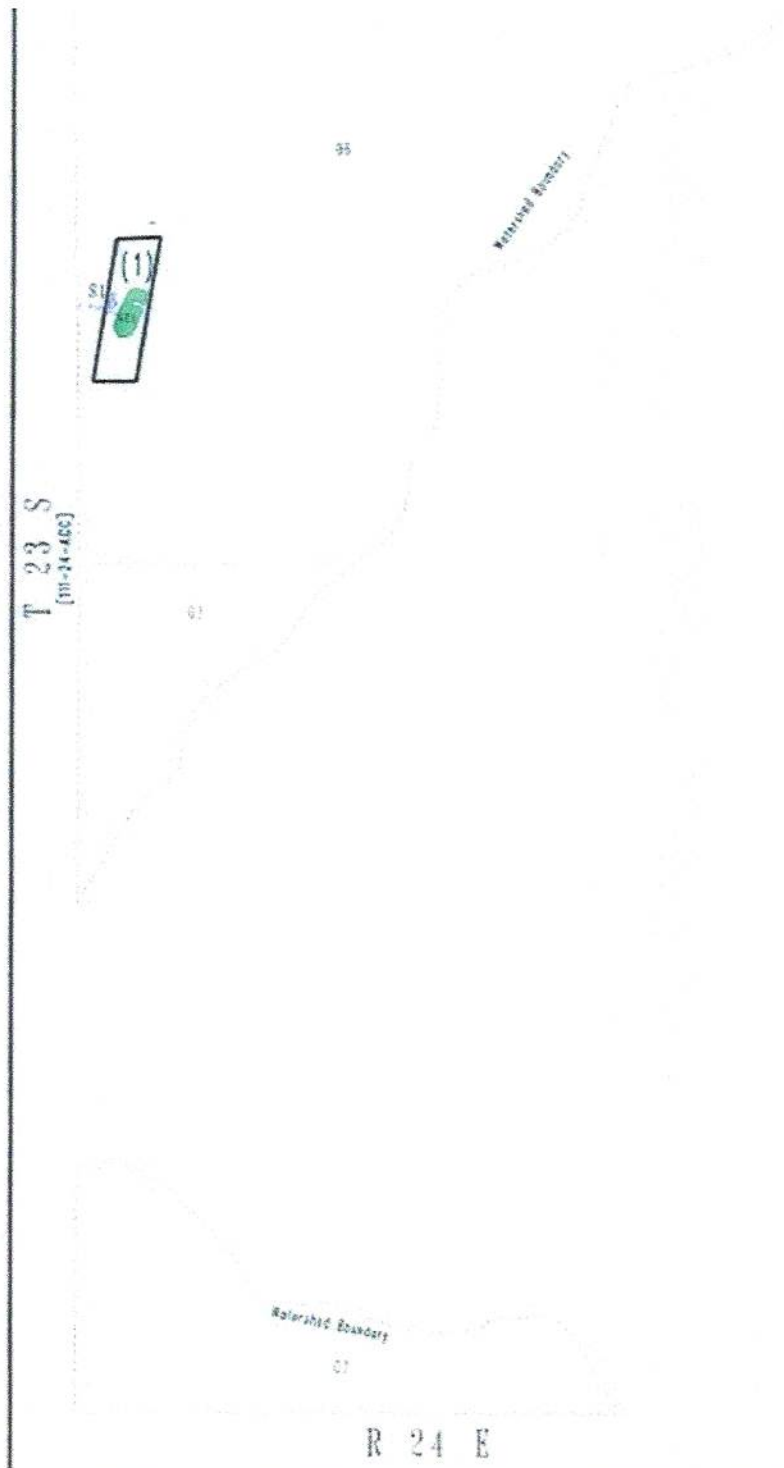
S1 - AN UNNAMED SPRING PROVIDES WATER FOR DOMESTIC AND IRRIGATION USES.
 S2 - BIG TUNNEL SPRING PROVIDES WATER FOR DOMESTIC AND IRRIGATION USES.
 S3 - AN UNNAMED SPRING PROVIDES WATER FOR DOMESTIC USES.

USES AND RESERVOIRS

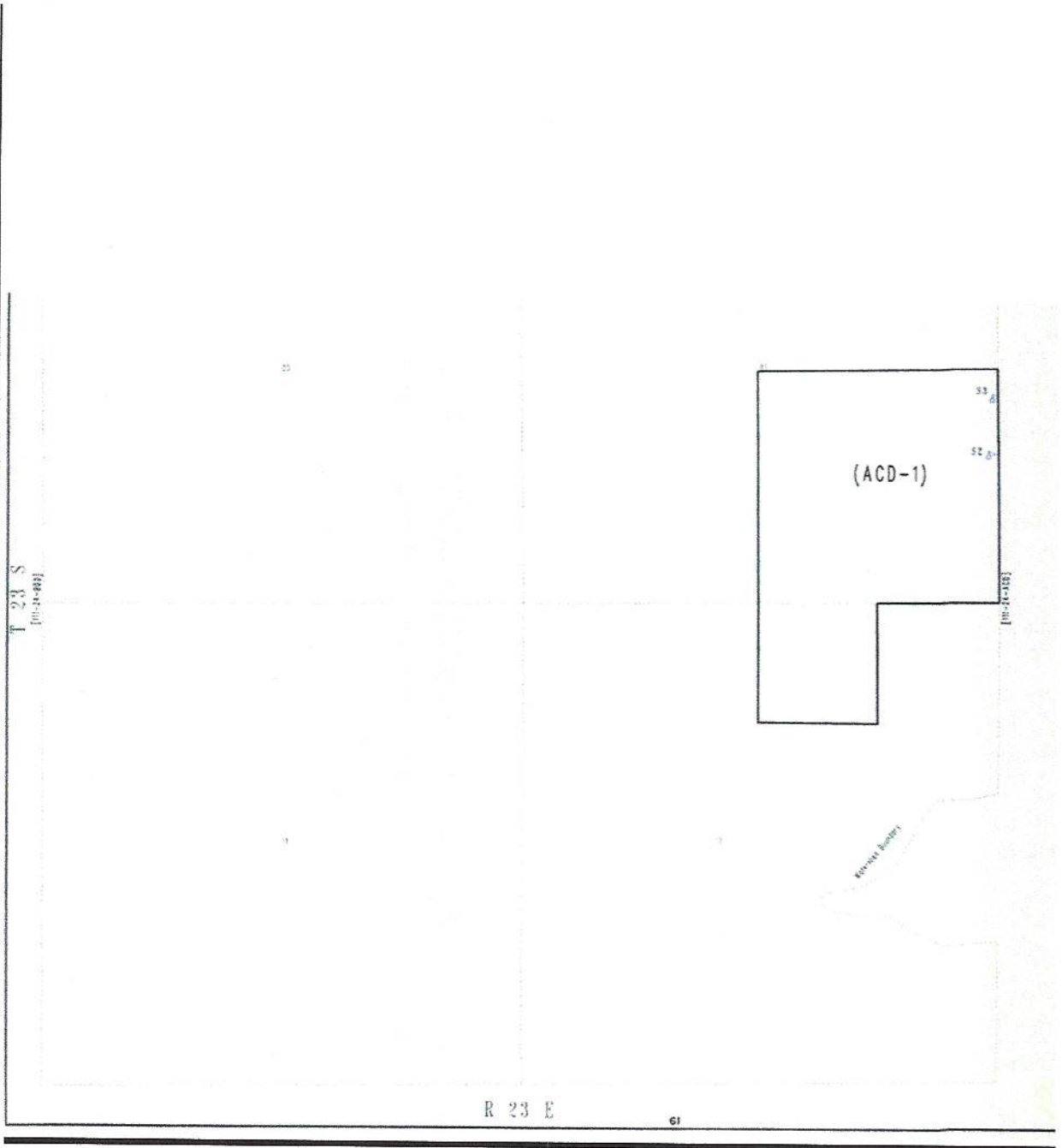
DM1 - DOMESTIC USE.
 OT1 - IRRIGATION TOTALING LESS THAN TWO ACRES ASSOCIATED WITH A DOMESTIC USE.

ATTACHMENT B

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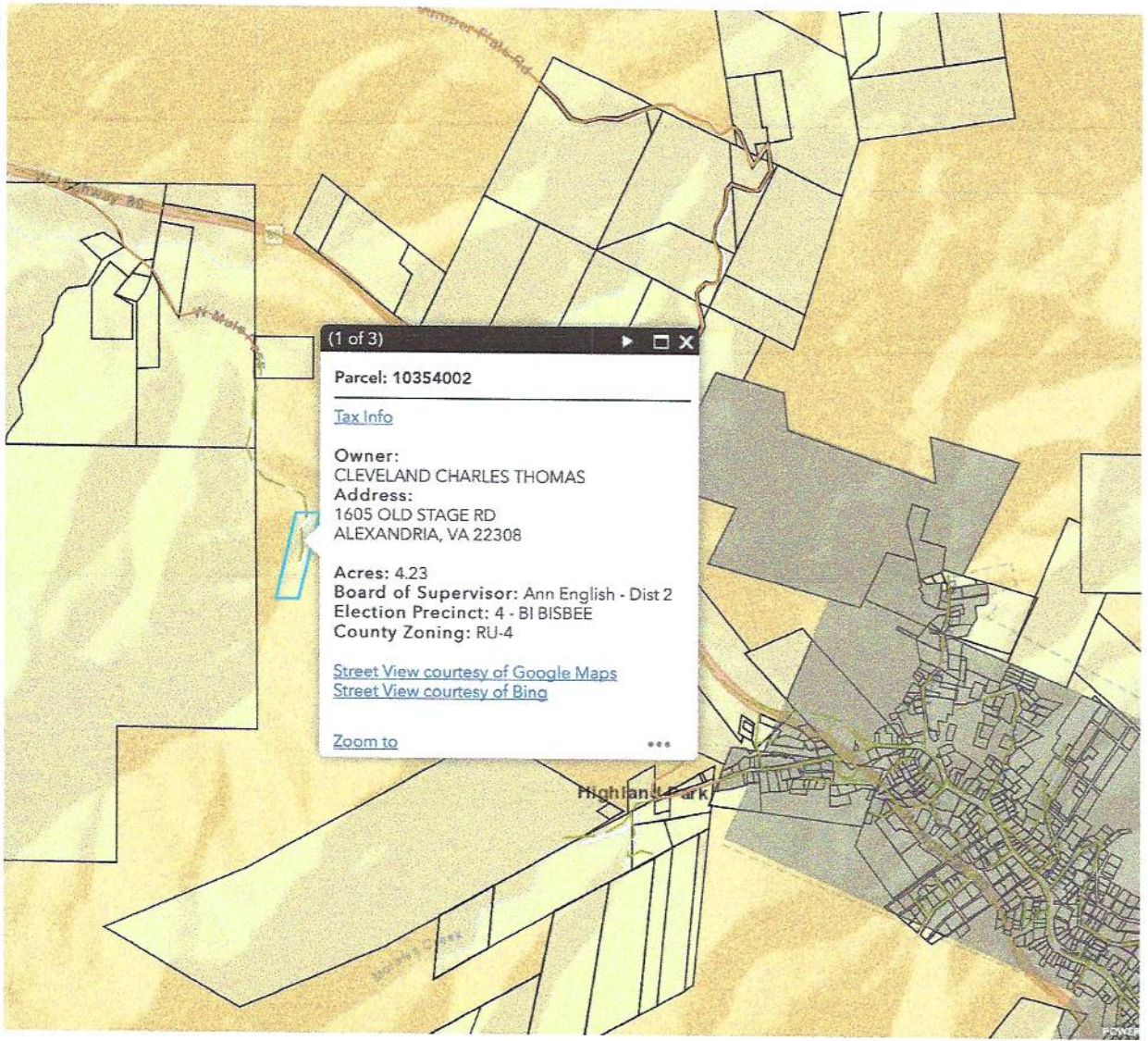


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ATTACHMENT D

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

7 Charles T. Cleveland
8 1605 Old Stage Rd.
9 Alexandria, VA 22308

10 Clerk of the Superior Court
11 Maricopa County
12 Attn: Water Case
13 601 West Jackson Street
14 Phoenix, AZ 85003

15 Gila River Indian Community
16 Linus Everling and Thomas L. Murphy
17 Office of the General Counsel
18 P. O. Box 97
19 Sacaton, AZ 85147

20 Joe P. Sparks and Laurel A. Herrmann
21 The Sparks Law Firm, P.C.
22 7503 First Street
23 Scottsdale, AZ 85251-4573

24 Richard Palmer, Jr., Jeremiah Weiner
25 and Lauren Mulhern
26 Rosette, LLP
27 565 W. Chandler Blvd. Suite 212
28 Chandler, AZ 85225

29 S. Montgomery, R. Interpreter, J. Tomkus
30 Montgomery & Interpreter, Plc
31 3301 E. Thunderbird Road
32 Phoenix, AZ 85032

33 Special Master Susan Ward Harris
34 Superior Court of Arizona
35 201 W. Jefferson Street
36 Courtroom 301
37 Phoenix, AZ 85003
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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

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ATTACHMENT F



Court Connect Hearing Notice for *In re Charles T. Cleveland*

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 Charles T. Cleveland*

Start Date/Time: September 2, 2021, 1:30PM

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](#)

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