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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. W1-11-1334

ORDER TO INITIATE CONTESTED CASE
AND
ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re Thomas B. and Mary M. Sampson*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey WFR
DESCRIPTIVE SUMMARY: Case initiated and status conference set for **August 6, 2021 at 2:15 p.m.**
NUMBER OF PAGES: 15
DATE OF FILING: June 14, 2021

General Explanation

This Order begins the process necessary to adjudicate claims for rights to appropriate water for land that the Cochise County Assessor has identified as owned by Eric L. and Pamela K. Nelson. 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

1 have been made to water in the San Pedro River watershed have been completed, are in the
2 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 Thomas B. Sampson ("Claimant") filed Statement of Claimant 39-3932 on June 5, 1980
8 for rights to use water for domestic, stock watering, and irrigation purposes on land in SWSWSE
9 Section 28 Township 23S Range 22E. The Claimant asserted that water use on the land began
10 in 1914. The Arizona Department of Water Resources ("ADWR") investigated those claims and
11 prepared a report known as Watershed File Report No. 111-24-CB-062 ("WFR") published in
12 the Final San Pedro River Watershed Hydrographic Survey Report (1991). A copy of the WFR
13 is attached as Attachment A.

14 The WFR found no use of water on the land and no sources of water for use on the land.
15 After ADWR issued the WFR, objections were filed to the findings made in the WFR. The
16 purpose of this case is to adjudicate the claims made for water rights that are the subject of the
17 WFR and resolve the objections to the WFR.

18 19 **Landowners**

20
21 The WFR lists Thomas B. and Mary M. Sampson as the owners of the property described
22 in the WFR. The records of the Cochise County Assessor list Eric L. and Pamela K. Nelson as
23 the owners of the property described in the WFR. A copy of a map prepared by the Cochise
24 County Assessor showing tax parcels 102-39-163C is attached as Attachment B. The public
25 records maintained by the ADWR do not include an assignment of the Statement of Claimant
26 from the Claimant to successor landowners. The public records also do not include a Statement
27 of Claimant filed by Eric L. and Pamela K. Nelson.

1 **IT IS ORDERED:**

2 1. Contested Case. This contested case shall be known as *In re Thomas B. and Mary*
3 *M. Sampson* and it will adjudicated claims for appropriable water rights asserted in the Statement
4 of Claimant and objections that were filed to Watershed File Report 111-24-CB-062 published
5 in the Final San Pedro River Watershed Hydrographic Survey Report (1991). Copies of
6 objections can be found under the case name and number on the following website:
7 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
8 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

9 2. Litigants. The litigants in this contested case are the Claimant, the current
10 landowners, all persons who filed objections to the WFR, who are included on Attachment C,
11 and claimants who are allowed to intervene by order.

12 3. Court-Approved Mailing List.

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

18 B. A copy of any pleading filed with the Clerk of the Maricopa County
19 Superior Court in this case shall be served upon each person listed on the
20 Court-approved mailing list.

21 C. Claimants wishing to be added or removed from the mailing list shall file
22 a motion with the Special Master. Parties allowed to intervene will be
23 automatically added to the Court-approved mailing list.
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1 D. The Clerk of the Court will send copies of all minute entries and orders
2 issued in this case to the parties listed on the Court-approved mailing list.
3 Upon request, the Clerk of the Court will provide copies by email. Parties
4 may request emailed copies of minute entries and orders by completing
5 and submitting a CONSENT FOR ELECTRONIC RECEIPT OF WATER
6 CASE DOCUMENTS, which is attached as Attachment D.
7

8 4. Status Conference.

9 A. An initial status conference shall be held to determine whether the
10 Claimant, Eric L. Nelson or Pamela K. Nelson, intend to pursue claims for
11 rights to appropriable water. If so, the parties seeking water rights shall
12 be prepared at the Status Conference to provide information about efforts
13 undertaken to assign or file a Statement of Claimant. If the parties do not
14 intend to pursue water rights or do not appear at the Status Conference,
15 the Statement of Claimant will be dismissed.
16

17 B. If the Claimant or current landowners intend to pursue rights to
18 appropriable water for use on the land, the parties will be expected to
19 advise whether they are interested in pursuing discussions to resolve the
20 objections to the WFR and the amount of time that the parties believe
21 will be necessary to complete those 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 **August 6, 2021 at 2:15 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. Alternatively, a telephonic appearance can be made using the following instructions:

9
10 Instructions for telephonic participation:

11 Dial: 602-506-9695 (local)

12 1-855-506-9695 (toll free long distance)

13 Dial Collaboration (conference) Code 357264#
14
15
16

17 
18 SUSAN WARD HARRIS
19 Special Master
20

21 On June 14, 2021, the original of the foregoing was
22 delivered to the Clerk of the Maricopa County Superior
23 Court for filing and distributing a copy to all persons
24 listed on the Court-approved mailing list for this contested
25 case, a copy of which is attached hereto as Attachment C,
26 and to all persons listed on the Court-approved mailing
27 list for W-1, W-2, W-3, and W-4 (Consolidated).
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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
SAMPSON, THOMAS B.	111-24-CB-062
& MARY M.	

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-11-1334*

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE
39-0003932	QUE.RECD	IRRIGATION	50.00	SWSWSE28	230S	220E	1914	SWSWSE28	230S	220E
		DOMESTIC	.03							
		STOCK	.03							

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
39-0003932	IRRIGATION	NONE		
	DOMESTIC	NONE		
	STOCK	NONE		

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	39-0003932	NONE		

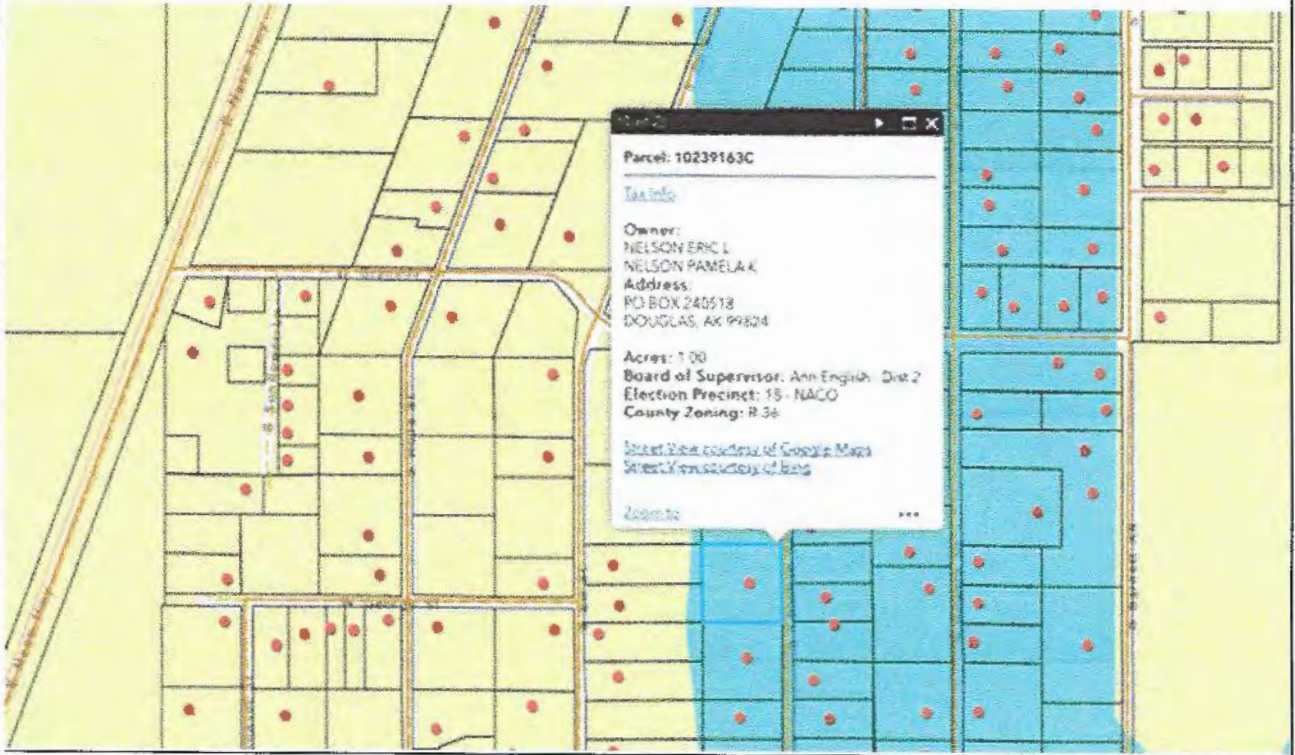
E X P L A N A T I O N

FILINGS AND DECREES

FILING 39-3932 - CLAIMS IRRIGATION, DOMESTIC, AND STOCKWATERING USES. NO IRRIGATION, DOMESTIC, OR STOCKWATERING USES WERE FOUND AT THE CLAIMED LOCATION.

FILING 39-3932 - 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
7 Phoenix, AZ 85067

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

13 Eric L. Nelson and Pamela K. Nelson
14 P. O. Box 240518
15 Douglas, AK 99824

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

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

25 Mary and Thomas Sampson
26 P. O. Box 4181
27 Bisbee, AZ 85603

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

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

1 Special Master Susan Ward Harris
2 Superior Court of Arizona
3 201 W. Jefferson Street
4 Courtroom 301
5 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 Thomas B. and Mary M. Sampson

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 Thomas B. and Mary M. Sampson

Start Date/Time: August 6, 2021 at 2:15 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](#)

