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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. W1-11-1351

ORDER TO INITIATE CONTESTED CASE  
AND  
ORDER SETTING TELEPHONIC STATUS  
CONFERENCE

CONTESTED CASE NAME: *In re J. E. Warne Jr.*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report  
DESCRIPTIVE SUMMARY: Contested case initiated and telephonic status conference set for  
**June 17, 2021 at 2:30 p.m.**  
NUMBER OF PAGES: 11  
DATE OF FILING: April 12, 2021

**General Explanation**

This Order begins the process necessary to determine legal rights for water from wells located on land that the Cochise County Assessor has identified as owned by Jonathan A. and Melissa A. Isaacson as trustees of the Isaacson Family Trust and the Weik Ranch LLC. This

1 contested case is one of the many cases in the General Stream Adjudication for the San Pedro  
2 River watershed. Other cases in which claims have been made to water in the San Pedro River  
3 watershed have been completed, are in the process of determining water rights, or awaiting  
4 initiation.

5 The purpose of the General Adjudication is to determine the rights of those persons who  
6 filed statement of claimants for rights to use water from the San Pedro watershed. The General  
7 Adjudication will also determine water rights in the Upper Salt, Verde, Upper Gila, Lower Gila,  
8 Agua Fria and Upper Santa Cruz watersheds. Persons who fail to timely file statements of  
9 claimant will forfeit any rights to the use of water in this river system and source.

10  
11 **Claimant**

12 In this case, J. E. Warne, Jr. filed Statements of Claimant 39-5625 and 39-5982 (SOCs)  
13 claiming rights to water for irrigation, domestic, and stock uses on land located in section 34  
14 Township 23S Range 22E. The public records of the Arizona Department of Water Resources  
15 do not include an assignment of the SOC's to any succeeding landowner.

16  
17 The Arizona Department of Water Resources investigated the claims and the water uses  
18 on the land and issued Watershed File Report 111-24-CBC-007 ("WFR") published in the Final  
19 San Pedro River Watershed Hydrographic Survey Report (1991). The Arizona Department of  
20 Water Resources identified three wells as the sources of water for the claimed uses. It later  
21 determined that the wells labelled as Wells W1, W2, and W4 are located in the subflow zone. A  
22 copy of the watershed file report is attached as Attachment A. A copy of the map prepared for  
23 the WFR is attached as Attachment B. The land included in the boundaries of the WFR is labelled  
24 on the map as "(7)".  
25  
26  
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1 After the WFR was issued, objections were filed to the findings in that report. The  
2 purpose of this case to consider the claims made for water rights that were investigated in the  
3 WFR and resolve the objections to the WFR.  
4

5 **Landowners**  
6

7 J. E. Warne Jr. was identified in the WFR as the landowner. According to the Cochise  
8 County Treasurer, the land is divided into tax parcels 104-52-002B and 104-52-003 currently  
9 owned by Jonathan A. and Melissa A. Isaacson as trustees of the Isaacson Family Trust and Weik  
10 Ranch LLC, respectively. A copy of the map prepared by the Cochise County Treasurer is  
11 attached as Attachment C.  
12

13 **IT IS ORDERED:**

14 1. Contested Case. This contested case shall be known as *In re J. E. Warne Jr.* and  
15 it will address the Statements of Claimant and objections that were filed to Watershed File  
16 Report 111-24-CBC-007 published in the Final San Pedro River Watershed Hydrographic  
17 Survey Report (1991). Copies of objections can be found under the case name and number on  
18 the following website:  
19 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)  
20 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

21 2. Litigants. The litigants in this contested case are the Claimant, the current  
22 landowners, all persons who filed objections to the listed watershed file reports who are listed on  
23 Attachment D, and claimants who are allowed to intervene by order.  
24

25 3. Court-Approved Mailing List.

26 A. The initial Court-approved mailing list for this case shall include all  
27 persons listed on Attachment D to this order. The list may be modified only by  
28

1 filing a motion with the Special Master to amend the Court-approved mailing list.

2 Litigants are responsible for using the current Court-approved mailing list.

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

6 C. Claimants wishing to be added or removed from the mailing list shall file  
7 a motion with the Special Master. Parties allowed to intervene will be  
8 automatically added to the mailing list.

9  
10 5. Status Conference. A telephonic status conference shall be held to address the  
11 adjudication of the claimed and investigated water rights and determine whether the current  
12 landowners intend to pursue a right to water use on the land. The Status Conference shall be  
13 held on **June 17, 2021**, at 2:30 p.m.

14  
15  
16 Instructions for telephonic appearance:  
17 Dial: 602-506-9695 (local)  
18 1-855-506-9695 (toll free long distance)  
19 Dial Participant Pass Code 357264#

20  
21   
22 Susan Ward Harris  
23 Special Master

24  
25 On April 12, 2021, the original of the foregoing was  
26 delivered to the Clerk of the Maricopa County Superior  
27 Court for filing and distributing a copy to all persons  
28 listed on the Court-approved mailing list for this 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**

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
WARNE, JR., J.E.	111-24-CBC-007
(TRUSTEE)	

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 SECTION	LOCATION TWNP	RNGE
36-0102344		IRRIGATION STOCK	804.80	N2S2SW34	230S	220E	1902	SWNW34	230S	220E
		REC/FISH/WLDF		E2SW34	230S	220E		NESW34	230S	220E
39-0005625	AMENDED	IRRIGATION DOMESTIC STOCK	500.00	SW34	230S	220E	1902	NWSW34	230S	220E
			2.00					SENWSW34	230S	220E
			.40					SESWSW34	230S	220E
39-0005982	AMENDED	IRRIGATION STOCK	300.00	SWNW34	230S	220E	1902	NENWSW34	240S	220E
			2.40	34	230S	220E		SWNW34	230S	220E
								NESW34	230S	220E
								NWSW34	230S	220E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0102344	IRRIGATION STOCK	IRRIGATION INCIDENTAL	WO1, WO2, WO3	IROO1
39-0005625	WILDLIFE IRRIGATION DOMESTIC STOCK	IRRIGATION DOMESTIC INCIDENTAL	WO1, WO2, WO3	DMOO1, IROO1
39-0005982	IRRIGATION STOCK	IRRIGATION INCIDENTAL	WO3, WO4	IROO1

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	SESWSW34	230S	220E	UNNAMED	GROUNDWATER : ZONE 2 UNUSED
WO2	SESWSW34	230S	220E	UNNAMED	GROUNDWATER : ZONE 2
WO3	SWNESW34	230S	220E	UNNAMED	GROUNDWATER : ZONE 2
WO4	NWSWNW34	230S	220E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	NENESW34	230S	220E	WO2, WO3	GROUNDWATER : ZONE 2		NO	
IROO1	NW34	230S	220E	WO2, WO3, WO4	GROUNDWATER : ZONE 1	1955	NO	
	SW34	230S	220E		GROUNDWATER : ZONE 2			

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DMOO1	39-0005625	36-0102344			GROUNDWATER : ZONE 2
IROO1	39-0005982	36-0102344	1955	1955 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
	39-0005625				GROUNDWATER : ZONE 2
	39-0005982				

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT
IROO1	MAX. OBSERVED	119.6	PERM. PSTR	45%	7.0 AF/AC	837.2 AFA	
	REGIONAL	119.6	AVE. CROP	50%	5.4 AF/AC	645.8 AFA	
	MAX. POTENTIAL	119.6	ALFALFA	45%	7.4 AF/AC	885.0 AFA	

E X P L A N A T I O N

DIVERSIONS

- W1 - UNUSED WELL.
- W2-W4 - WELLS PROVIDE WATER FOR IRRIGATION AND DOMESTIC USES.

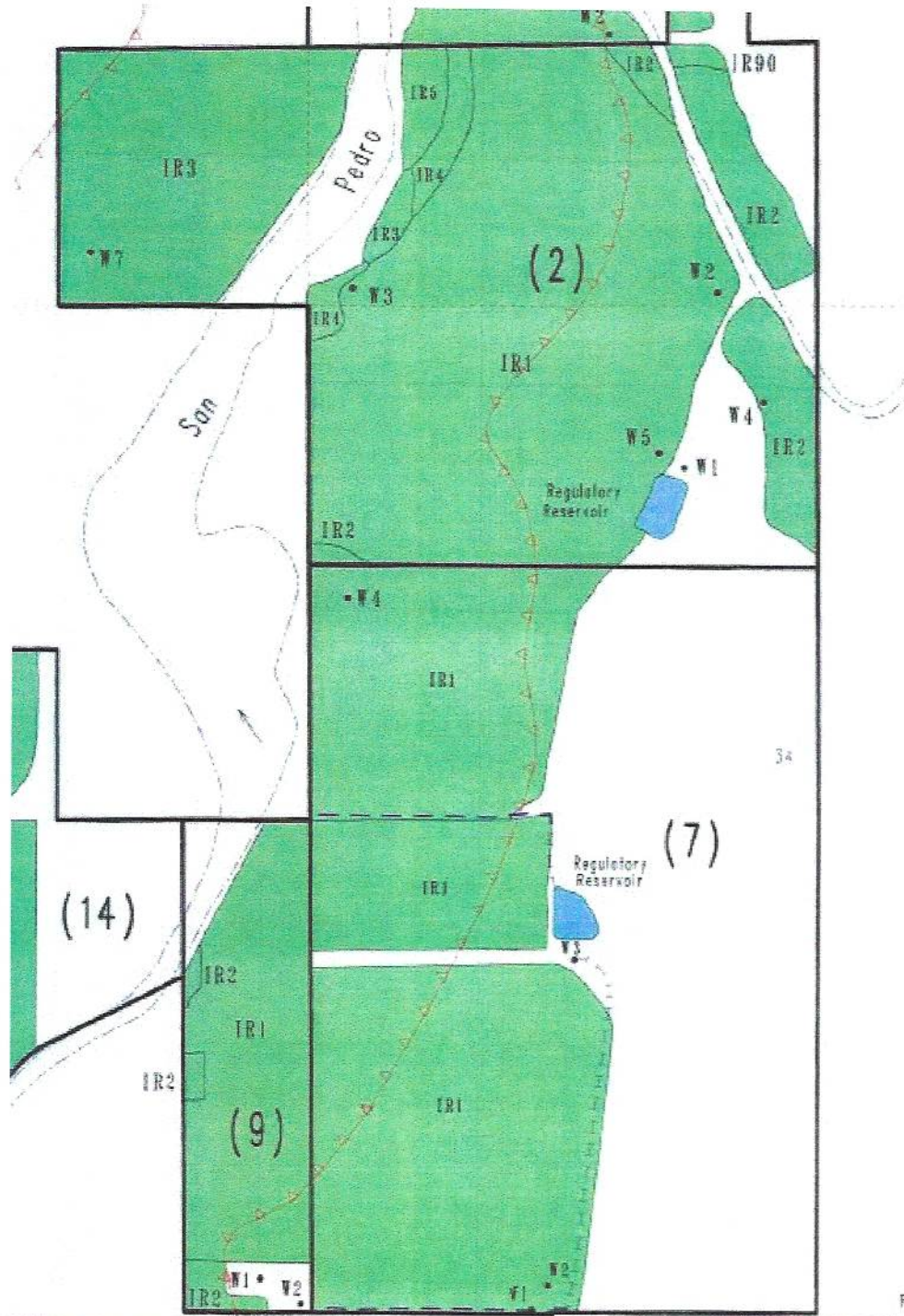
USES AND RESERVOIRS

- DM1 - DOMESTIC USE.
- IR1 - IRRIGATED PASTURE.
- A REGULATORY RESERVOIR IS USED FOR IRRIGATION PURPOSES.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

- A COMMENT WAS RECEIVED WHICH INDICATED THAT A CHANGE IN OWNERSHIP HAD OCCURRED.

# ATTACHMENT B



[111-24-CGB]

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# ATTACHMENT C

The image shows a map with a yellow parcel labeled '10452002B' and a larger parcel to its right. A popup window is open over the larger parcel, displaying the following information:

(1 of 2) ▶ □

**Parcel: 10452003**

---

[Tax Info](#)

**Owner:**  
WEIK RANCH LLC

**Address:**  
3914 E PRESIDIO ST  
MESA, AZ 85215

**Acres: 150.11**

**Board of Supervisor:** Tom Crosby - Dist 1

**Election Precinct:** 19 - PALOMINAS

**County Zoning:** See Zoning Layer

[Street View courtesy of Google Maps](#)  
[Street View courtesy of Bing](#)

[Zoom to](#) ⋮

# ATTACHMENT D

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

ASARCO Incorporated  
Lauren J. Caster  
Fennemore Craig, P.C.  
2394 East Camelback Road  
Suite 600  
Phoenix, AZ 85016-3429

Bella Vista Ltd. Partnership, Hickville Water Company  
Bella Vista Water Company, Bella Vista Ranches, Ltd. Partnership  
Dan Cracciola, Pueblo del Sol  
c/o William Sullivan  
Law Ofcs of William P. Sullivan P.L.L.C.  
3240 East Union Hills Drive, Ste. 117  
Phoenix, AZ 85050

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  
P. O. Box 97  
Sacaton, AZ 85147

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

Jonathan A. and Melissa A. Issacson, as trustees  
Isaacson Family Trust  
P. O. Box 30  
Hereford, Az 85615

1 Richard Palmer  
2 Rosette, LLP  
3 565 W. Chandler Blvd. Suite 212  
4 Chandler, AZ 85225

5 S. Montgomery, R. Interpreter, J. Tomkus  
6 Montgomery & Interpreter, Plc  
7 3301 E. Thunderbird Road  
8 Phoenix, AZ 85032

9 Salt River Valley Water Users Association,  
10 Salt River Project Agricultural Improvement and Power District  
11 John B. Weldon, Jr., Mark A. McGinnis, and Michael Foy  
12 Salmon, Lewis & Weldon PLC  
13 2850 E Camelback Rd, Ste. 200  
14 Phoenix, AZ 85016

15 Special Master Susan Ward Harris  
16 Superior Court of Arizona  
17 201 W. Jefferson Street  
18 Courtroom 301  
19 Phoenix, AZ 85003

20 U. S. Department of Justice  
21 Patrick Barry and Emmi Blades  
22 Environment and Natural Resources  
23 P. O. Box 7611  
24 Washington, D.C. 20044-7611

25 Warner Family Trust  
26 4455 East Camelback Road, Suite 290E  
27 Phoenix, Arizona 85018

28 Weik Ranch LLC  
Rowley Chapman & Barney Ltx.  
63 East Main St.  
Suite 501  
Mesa, AZ 85201

Weik Ranch LLC  
3914 E. Presidio St.  
Mesa, AZ 85215