

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Contested Case No. W1-11-2169

ORDER TO INITIATE CASE AND
CONSOLIDATE

CONTESTED CASE NAME: *In re Norman Gene and Annie Jane McWhorter*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: Order to initiate contested case no. W1-11-2169 and consolidate
it with *In re St. David Irrigation District*, contested case no. **W1-11-1675**
NUMBER OF PAGES: 9
DATE OF FILING: October 11, 2019

This case involves claims for water rights for irrigation, stockwatering, and domestic uses
in section 16 T18S R21E. Evalyn Guinn filed Statement of Claimant 39-2588 for the claimed
water uses. The public records of Arizona Department of Water Resources do not include an
assignment of the Statement of Claimant.

1 The Arizona Department of Water Resources investigated the claims and submitted its
2 results in a Watershed File Report 112-17-DBD-029 (“WFR”), which was published in the
3 Final San Pedro River Watershed Hydrographic Survey Report (1991). The WFR listed one
4 well as the source of water. A copy of the WFR is attached as Attachment A. The purpose of
5 this case is to resolve the five objections made to the WFR and adjudicate claimed water rights.
6 The Objectors are included in Attachment B.

7
8 In a Report filed by St. David Irrigation District (“District”) dated September 13, 2019,
9 the District stated that it has determined that the landowners in this case have agreed to have
10 the District represent their interests. According to the Cochise County Assessor, the property
11 included in area mapped for the WFR appears to be tax parcel no. 121-21-013C with Norma
12 Gene and Annie Jane McWhorter named as the owners. The public records of Arizona
13 Department of Water Resources do not include a Statement of Claimant filed by either Norma
14 Gene Whorter or Annie Jane McWhorter.

15
16 Accordingly,

17 **IT IS ORDERED:**

- 18 1. Contested Case, Consolidation, Designation and Docket Number. This Order
19 initiates contested case no. W1-11-2169. This contested case is consolidated
20 with *In re St. David Irrigation District*, Contested Case No. W1-11-1675.
21
22 2. Litigants. The litigants in this contested case are the Claimant, landowners, all
23 persons who filed objections to the watershed file report who are listed on
24 Attachment B, and claimants who are allowed to intervene by order.
25
26 3. Court-Approved Mailing List. The initial Court-approved mailing list for this case
27 shall include all persons listed on Attachment B to this Order. The mailing list shall
28 be merged with the mailing list for *In re St. David Irrigation District*.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. The St. David Irrigation District shall file a consent in this contested case with copies mailed to those individuals listed on Attachment B by **October 25, 2019** signed by the landowners listed above who consent to be represented by St. David Irrigation District in *In re St. David Irrigation District*.



SUSAN WARD HARRIS
Special Master

On October 11, 2019, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for this contested case.



Barbara Brown

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTACHMENT A

LAND OWNER	WATERSHED FILE REPORT NUMBER
-----	-----
MCWHORTER, NORMAN GENE & ANNIE JANE	112-17-DBD-029

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

W1-11-2169

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
36-0080374		IRRIGATION STOCK	45.00	NWNW16	180S	210E	1964	NWNW16	180S	210E
36-0080375		DOMESTIC IRRIGATION STOCK	15.34	NWNW16	180S	210E	1921	NWNW16	180S	210E
39-0002588		DOMESTIC REC/FISH/WLDF IRRIGATION STOCK	22.00 2.00 2.00	16	180S	120E	1881	SENWNW16	180S	210E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0080374	IRRIGATION STOCK	NONE	WO1	DMOO1
36-0080375	DOMESTIC IRRIGATION STOCK	DOMESTIC INCIDENTAL	WO1	DMOO1
39-0002588	DOMESTIC IRRIGATION STOCK	NONE	WO1	DMOO1

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	SENWNW16	180S	210E	UNNAMED	GROUNDWATER : ZONE 2 SHARED

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	SENWNW16	180S	210E	WO1	GROUNDWATER : ZONE 2	1987	NO	

SHARED USES AND DIVERSIONS

** WATER FROM WO1 IS SHARED WITH THESE ADDITIONAL FILES:
112-17-DBD-3

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DMOO1	39-0002588	36-0080374 36-0080375		GROUNDWATER : ZONE 2

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT

E X P L A N A T I O N

FILINGS AND DECREES

FILING 39-2588 - CLAIMS IRRIGATION, DOMESTIC, AND STOCKWATERING USES. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATION.

DIVERSIONS

W1 - WELL PROVIDES WATER FOR DOMESTIC AND STOCKWATERING USES.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.

SHARED USES AND DIVERSIONS.

W1 - WELL SHARED WITH W.F.R. #112-17-DBD-3.

LAND OWNER	ZONE 2 WELL
-----	REPORT NUMBER
MCWHORTER, NORMAN GENE	-----
& ANNIE JANE	112-17-DBD-029

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
WO1	UNNAMED	SENWNW16	18OS	21OE	DMOO1	W1-11-2169 SHARED

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***		APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE	DATE	BASIS FOR DATE		
DMOO1	SENWNW16	18OS	21OE				

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO:	APPLIES TO:
	WELLS	WATER USES
39-0002588	WO1	DMOO1

EXPLANATION

W1 - WELL PROVIDES WATER FOR DOMESTIC AND STOCKWATERING USES.

DM1 - DOMESTIC USE.

** WATER FROM WO1 IS SHARED WITH THESE ADDITIONAL FILES:

112-17-DBD-3

ATTACHMENT B

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

D. A. Brown, D. E. Brown, J. A. Brown
Brown & Brown Law Offices, P.C.
P. O. Box 1890
St. Johns, AZ 85936

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

Magma Copper Company (BHP)
John D. Burnside
Snell & Wilmer, L.L.P.
400 East Van Buren Street
Suite 1900
Phoenix, AZ 85004

Norman Gene & Annie Jane McWhorter
P.O. Box 478
St. David, AZ 85630

Salt River Valley Water Users Association and the Salt River Project Agricultural
Improvement and Power District
John B. Weldon, Jr. and Mark A. McGinnis
Salmon, Lewis & Weldon PLC
2850 E Camelback Rd, Ste 200
Phoenix, AZ 85016

1 Joe P. Sparks and Laurel A. Hermann
The Sparks Law Firm, P.C.
2 7503 First Street
Scottsdale, AZ 85251-4573
3
4 Lucas T. Christian and Julian Nava
Rosette, LLP
5 565 W. Chandler Blvd. Suite 212
Chandler, AZ 85225
6
7 U. S. Department of Justice
R. Lee Leininger
8 Natural Resources Section
999 18th Street, So Terrace, Ste. 370
9 Denver, CO 80202
10
11 Yavapai-Apache Nation
Camp Verde Reservation
12 Susan B. Montgomery and Robyn L. Interpreter
Montgomery & Interpreter, PLC
13 3301 E. Thunderbird Road
Phoenix, AZ 85032

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28