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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 (Salt)
W-2 (Verde)
W-3 (Upper Gila)
W-4 (San Pedro)
Consolidated

CONTESTED CASE NO. W1-11-2686

ORDER TO INITIATE A CONTESTED CASE

AND

ORDER SETTING A TELEPHONIC STATUS
CONFERENCE

CONTESTED CASE NAME: *In re Hope I. Jones III*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: Case initiated to adjudicate claims for rights to water for a stockpond investigated in Watershed File Report 113-12-037. Arizona Department of Water Resources (ADWR) shall review the attached abstract and file a report by **August 3, 2020**. A telephonic status conference is set for **August 10, 2020** at 2:00 p.m.

NUMBER OF PAGES: 11

DATE OF FILING: June 5, 2020

1 This Order initiates a contested case to consider the claim filed by the Conservator of the
2 Estate of Hope I. Jones for a water right for a stockpond and to resolve objections to Watershed
3 File Report 113-12-037 (“WFR”) published in the Final San Pedro River Watershed
4 Hydrographic Survey Report (1991). The records for the Arizona Department of Water
5 Resources includes an assignment of the claim, Statement of Claimant 39-14015, to C-Spear
6 LLC.
7

8 The WFR identified a potential water right on land located in section 21 Township 12
9 South Range 19 East. The WFR states that the land is owned by Hope I. Jones, care of William
10 S. Atlee. A copy of the WFR is attached as Attachment A. A copy of the map that shows the
11 land included within the area investigated by the WFR is attached as Attachment B. The land
12 involved in this case is labelled as “(37)” on the map. A copy of the map from the Cochise
13 County Assessor, which includes the relevant land as a part of tax parcel 20901003C owned by
14 C-Spear LLC, is attached as Attachment C.
15

16 17 **Adjudication of Claims**

18 Under current law, a claimant who asserts claims for water rights for irrigation use and
19 “Small Water Use Claims” shall have the Small Water Uses Claims determined in conjunction
20 with the adjudication of the claims for water for irrigation use. A.R.S. §45-257(A)(1). The term
21 “Small Water Use Claims” includes claims for stock watering and stockponds with a capacity of
22 not more than 15 acre feet. A.R.S. §45-251(9).
23

24 C-Spear LLC filed claims for water rights for irrigation that will be adjudicated in *In re*
25 *Hope Iselin Jones*, contested case no. W1-11-2697 that was initiated on June 4, 2020. It has also
26 asserted a right to a water use that constitutes a Small Water Use Claims in Statement of Claimant
27 39-14015. Accordingly, this contested case was initiated to address that Statement of Claimant.
28

1 **Expedited Procedures**

2 Claims for rights to water for domestic use, stock watering, and stockponds in the San
3 Pedro Watershed and the objections to the Watershed File Reports that examine those claims are
4 determined using an expedited process. The process is set forth in the Memorandum Decision,
5 Findings of Fact, and Conclusions of Law for Group 1 Cases involving Stock watering,
6 Stockponds, and Domestic Uses, dated November 14, 1994, amended February 23, 1995,
7 approved and modified September 27, 2002 (“Decision”).

9 The first step in the procedure is the preparation of a proposed abstract for the claimed
10 water right for the stock pond analyzed by the WFR. A draft of the proposed abstract has been
11 prepared and is attached as Attachment D. The draft is being provided to ADWR for review and
12 comment. Upon receipt of a report and map from the Arizona Department of Water Resources,
13 the second step requires the proposed abstract to be distributed to all of the parties because the
14 Decision directs that “the litigants will be provided an opportunity to suggest the correction of
15 mistakes in the proposed abstracts.” Decision, p. 47. After suggested corrections have been
16 received from the parties, the suggested corrections will be reviewed and any necessary
17 corrections will be made to the proposed abstract. The third step in the process is the inclusion
18 of the reviewed and corrected abstract into a catalog of proposed water rights where it will be
19 subject to a very limited set of objections before a final decree is entered.
20
21

22
23 **IT IS ORDERED:**

24
25 1. Contested Case. This contested case shall be known as *In re Hope I. Jones III* and it
26 will address Statement of Claimant 39-14015 and the objections to Watershed File Report 113-12-
27 037 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991).
28

1 Copies of objections can be found under the case name and number on the following website:
2 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>

3 2. Litigants. The litigants in this contested case are the Claimant, all persons who filed
4 objections to the watershed file report who are included on Attachment E, and claimants who are
5 allowed to intervene by order.
6

7 3. Court-Approved Mailing List.

8
9 A. The initial Court-approved mailing list for this case shall include all persons
10 listed on Attachment E to this order. The list may be modified only by filing a
11 motion with the Special Master to amend the Court-approved mailing list. Litigants
12 are responsible for using the current Court-approved mailing list.

13 B. A copy of any pleading filed with the Clerk of the Maricopa County
14 Superior Court in this case shall be served upon each person listed on the Court-
15 approved mailing list.
16

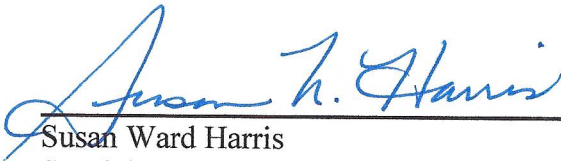
17 C. Claimants wishing to be added or removed from the mailing list shall file a
18 motion with the Special Master. Parties allowed to intervene will be automatically
19 added to the mailing list.

20 4. Courtesy Email List. The Special Master's office will email courtesy copies of
21 orders and minute entries entered in this case to persons listed on Attachment E. Requests for
22 inclusions on the email list should be sent to Barbara Brown at
23 brownb099@superiorcourt.maricopa.gov.
24

25 5. Arizona Department of Water Resources. By **August 3, 2020**, ADWR shall review
26 and file a report with its comments on the draft abstract attached as Attachment D and prepare a
27 map of the potential water right.
28

1 6. Telephonic Status Conference. The Status Conference shall be held on **August 10,**
2 **2020**, at 2:00 p.m. to address questions the claimant or the objectors may have about the process.
3 All parties will be provided with an opportunity to submit written suggested corrections to the
4 abstract after the status conference.
5

6 Instructions for telephonic appearance:
7 Dial: 602-506-9695 (local)
8 1-855-506-9695 (toll free long distance)
9 Dial Participant Pass Code 357264#

10 
11 Susan Ward Harris
12 Special Master

13 The original of the foregoing was delivered to the Clerk of
14 the Maricopa County Superior Court on June 5, 2020, for
15 filing and distributing a copy to all persons listed on the
16 Court approved mailing list for this contested case which is
17 attached as Attachment E and to all persons listed on the
18 Court-approved mailing list for W-1, W-2, W-3, and W-4
19 (Consolidated).

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21 Barbara Brown
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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
JONES, HOPE ISELIN	113-12-037
% WILLIAM S. ATLEE	

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
33-0090394	CERTIF.	STOCK	.56	NWSW21	12OS	190E	1985	NWSW21	12OS	190E
39-0014015		STOCK	.18	NWSE21	12OS	190E	1985	NWSE21	12OS	190E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
33-0090394	STOCK	STOCK		
39-0014015	STOCK	STOCK		SPOO1 SPOO1

RESERVOIRS

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SPOO1	NWSWSW21	12OS	190E		SURFACE WATER	1990	TRAPMAN TANK	

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
SPOO1	39-0014015	33-0090394	1990 FILING 33-90394	SURFACE WATER: SAN PEDRO RIVER

QUANTITIES OF USE

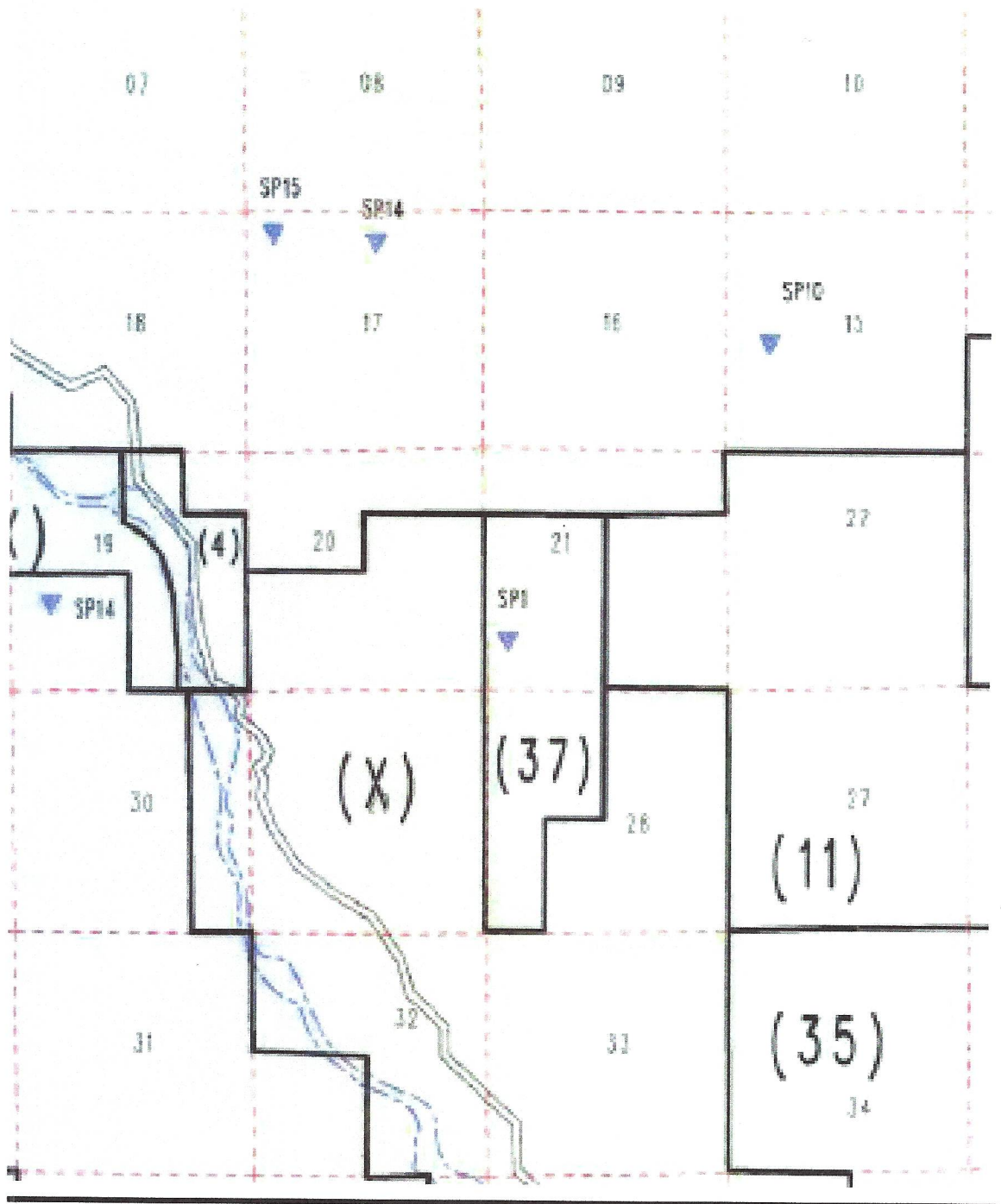
PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
SPOO1	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	

EXPLANATION

USES AND RESERVOIRS
 SP1 - TRAPMAN TANK STOCKPOND.

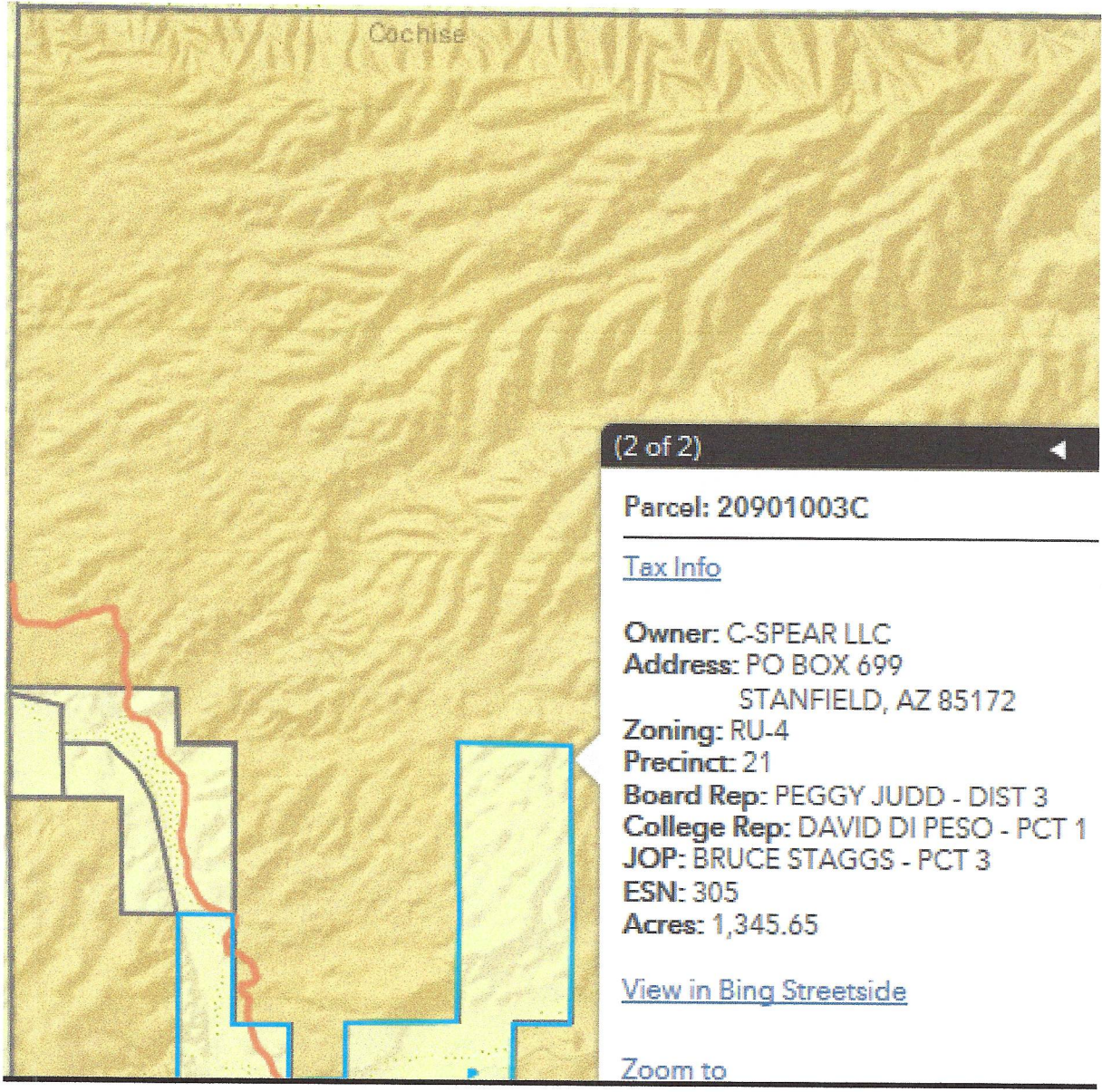
ATTACHMENT B

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ATTACHMENT C

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Cochise

(2 of 2)

Parcel: 20901003C

[Tax Info](#)

Owner: C-SPEAR LLC
Address: PO BOX 699
STANFIELD, AZ 85172

Zoning: RU-4
Precinct: 21
Board Rep: PEGGY JUDD - DIST 3
College Rep: DAVID DI PESO - PCT 1
JOP: BRUCE STAGGS - PCT 3
ESN: 305
Acres: 1,345.65

[View in Bing Streetside](#)

[Zoom to](#)

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ATTACHMENT D

Proposed Abstract of Water Right

San Pedro Watershed

Attribute	Proposed Abstract of Water Right	ADWR Comments
1. Proposed Water Right No.:	113-12-037-SP001	
2. Owner of Water Right:	C-Spear LLC	
3. Landowner:	C-Spear LLC	
4. Statement of Claimant No.(s):	39-0014015	
5. Statement of Claimant Name(s):	C-Spear LLC	
6. Lessee or permittee:	n/a	
7. Basis of Right:	33-0090394	
8. Beneficial Use:	Stock watering from a Stock Pond	
9. Priority Date:	11/6/1985	
10. Quantity:	Not to exceed (\leq) 4 acre feet annually with continuous fill	
11. Place of Use:	NWSWSW 21 T12S 19E	
12. Point of Diversion:	NWSWSW 21 T12S 19E	
13. Source of Water:	Trapman Tank	

ATTACHMENT E

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Clerk of the Superior Court
Maricopa County
Attn: Water Case
601 West Jackson Street
Phoenix, Az 85003

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Gila River Indian Community
Office Of The General Counsel
P. O. Box 97
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Robert Palmer and Jeremiah Weiner
Rosette, LLP
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Chandler, AZ 85225

S. Montgomery, R. Interpreter, J. Tomkus, and
Mia A. Montoya Hammersley
Montgomery & Interpreter, PLC
3301 E. Thunderbird Road
Phoenix, AZ 85032

Susan Ward Harris
Special Master
Central Court Building, Ste 3a
201 West Jefferson
Phoenix, Az 85003-2205