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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. W1-11-3115  
ORDER TO INITIATE CONTESTED  
CASE

CONTESTED CASE NAME: *In re Edward H. and Bettie M. Gegax*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report  
DESCRIPTIVE SUMMARY: Contested case W1-11-3115 initiated and status conference set  
for **January 7, 2020 at 1:30 p.m.**  
NUMBER OF PAGES: 12  
DATE OF FILING: November 25, 2019

**General Explanation**

This Court Order begins the process necessary to determine legal rights to use water from  
a well located on land that the Pinal County Assessor has identified as tax parcel 300-27-008  
owned by Edward H. and Bettie M. Gegax.

1 This contested case is one of the many cases that are included in the General Stream  
2 Adjudication. The purpose of the General Adjudication is to determine the water rights of those  
3 persons who use water from the San Pedro watershed in addition to the watersheds for the Upper  
4 Salt, Verde, Upper Gila, Lower Gila, Agua Fria and Upper Santa Cruz. Other cases in the  
5 General Stream Adjudication have been completed, are in the process of determining water  
6 rights, or awaiting initiation. This case is initiated to determine water rights to water in the San  
7 Pedro watershed.

8  
9 **Claims for Water Rights**

10 This Order initiates a contested case to consider the claims and resolve objections to  
11 Watershed File Report 114-04-BAC-003 (“WFR”) published in the Final San Pedro River  
12 Watershed Hydrographic Survey Report (1991). The WFR identified potential water rights for  
13 domestic and irrigation use on land located in sections 16 and 17 Township 6S Range 16E. The  
14 identified source of water for the claimed uses is a well located in section 17 T6S R16E. The  
15 Arizona Department of Water Resources has determined that the well is located in the subflow  
16 zone. A copy of the WFR is attached as Attachment A. A copy of the map prepared for the  
17 WFR is attached as Attachment B on which the land in question is labelled as “(003)”. A copy  
18 of the map prepared by the Pinal County Assessor showing tax parcel 300-27-008 is attached as  
19 Attachment C.  
20

21  
22 **Claimants & Landowners**

23 The WFR identified one Statement of Claimant (SOC) relevant to the potential water  
24 right: 39-10851. Edward Gegax filed the SOC claiming water for irrigation use. Mr. and Mrs.  
25 Gegax filed a Uniform Questionnaire on September 11, 1989, in which the described water  
26 uses included domestic and irrigation use.  
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28

1           The WFR lists Edward H. and Bettie M. Gegax as the owners of the property described  
2 in the WFR. According to the records of the Pinal County Records, Edward H. and Bettie M.  
3 Gegax own the property included in the WFR.  
4

5           **IT IS ORDERED:**

6           1.       Contested Case. This contested case shall be known as *In re Edward H. and*  
7 *Bettie M. Gegax* and it will determine water rights asserted in the SOC and objections that were  
8 filed to WFR 114-04-BAC-003 published in the Final San Pedro River Watershed  
9 Hydrographic Survey Report (1991). Copies of objections can be found under the case name  
10 and number on the following website:

11       [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)  
12 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

13           2.       Litigants. The litigants in this contested case are the Claimants, the current  
14 landowner, all persons who filed objections to the listed WFRs who are included on Attachment  
15 D, and claimants who are allowed to intervene by order.

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 only by  
19 filing a motion with the Special Master to amend the Court-approved mailing list.  
20 Litigants are responsible for using the current Court-approved mailing list.  
21

22           B.       A copy of any pleading filed with the Clerk of the Maricopa County  
23 Superior Court in this case shall be served upon each person listed on the Court-  
24 approved mailing list.  
25

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



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On November 25, 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, 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).

*Barbara Brown*

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Barbara Brown

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**ATTACHMENT A**

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
GEGAX, EDWARD H.	114-04-BAC-003
& BETTIE H.	

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

W1-11-3115

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
39-0010851	QUE.RECD	IRRIGATION DOMESTIC	60.00 10.00	SE	N17	060S 160E	1981	17	060S	160E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0010851	IRRIGATION DOMESTIC	IRRIGATION DOMESTIC	WO1	DMOO1, IROO1, IROO2

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	NESENE17	060S	160E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	NESENE17	060S	160E	WO1	GROUNDWATER : ZONE 1		NO	
IROO1	NWSWNW16	060S	160E	WO1	GROUNDWATER : ZONE 1	1964	NO	
IROO2	SENE17	060S	160E	WO1	GROUNDWATER : ZONE 1	1969	NO	

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	WATER SOURCES AND CLASSIFICATIONS
DMOO1	39-0010851	NONE		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO1	39-0010851	NONE	1964 1964 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO2	39-0010851	NONE	1969 1969 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT
IROO1	MAX. OBSERVED REGIONAL	10.6	MULTI.CROPS	50%	3.9 AF/AC	41.3 AFA	
	MAX. POTENTIAL	10.6	AVE. CROP	50%	5.4 AF/AC	57.2 AFA	
IROO2	MAX. OBSERVED REGIONAL	1.8	ALFALFA	50%	6.7 AF/AC	71.0 AFA	
	MAX. POTENTIAL	1.8	MULTI.CROPS	51%	3.5 AF/AC	6.3 AFA	
		1.8	AVE. CROP	50%	5.4 AF/AC	9.7 AFA	
		1.8	ALFALFA	51%	6.5 AF/AC	11.7 AFA	

FILINGS AND DECREES

FILING 39-10851 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH INDICATES THE ADDITION OF A DOMESTIC USE AT THE CLAIMED LOCATION.

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION AND DOMESTIC USES.

USES AND RESERVOIRS

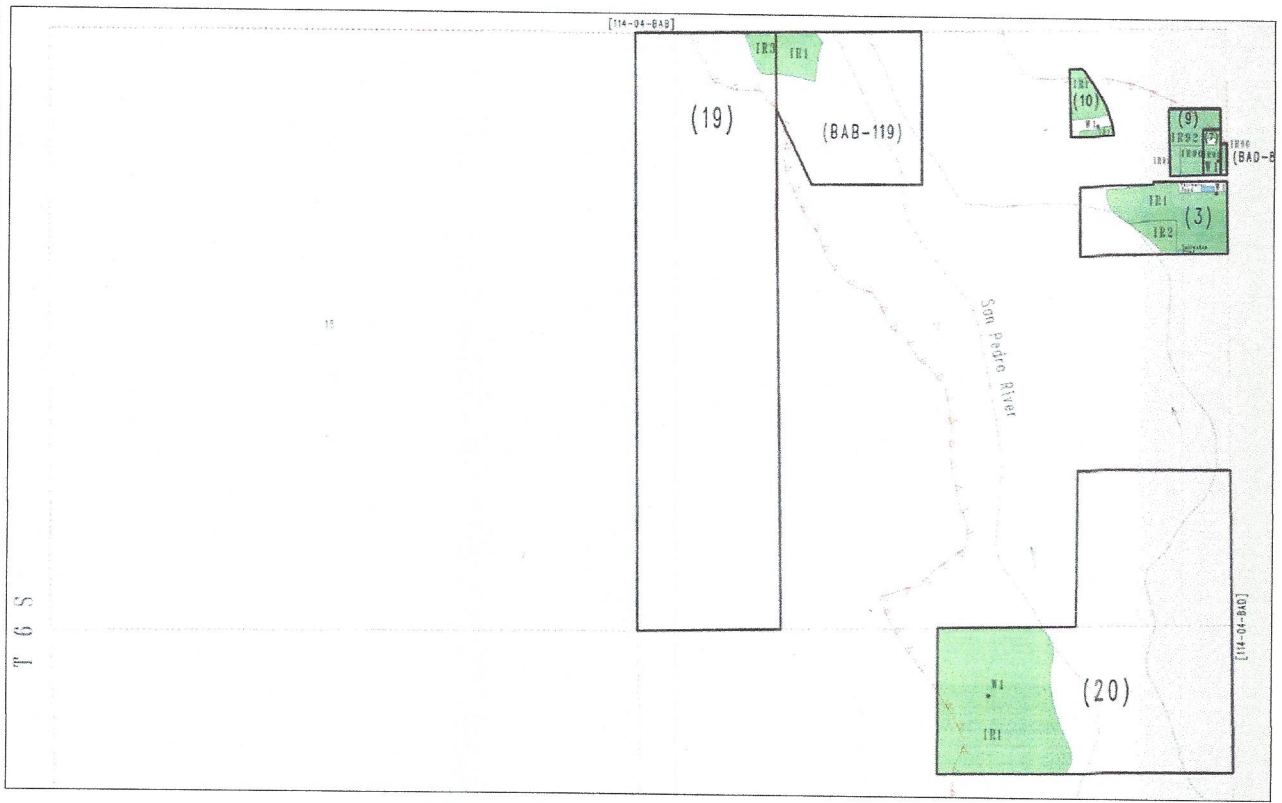
DM1 - DOMESTIC USE.

IR1 & IR2 - IRRIGATED MULTIPLE CROPS (PECANS AND SMALL GRAINS).



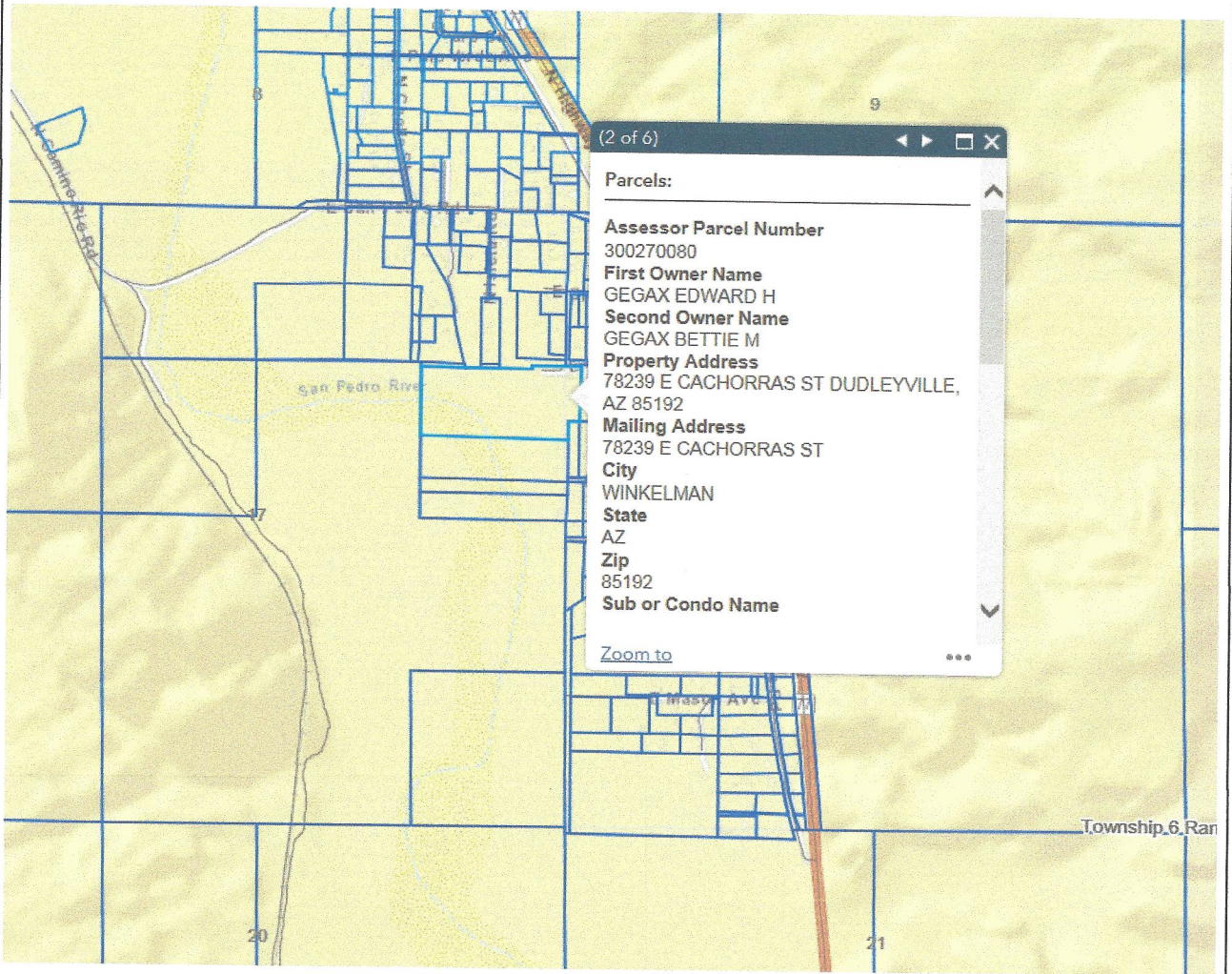
# ATTACHMENT B

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# ATTACHMENT C

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# ATTACHMENT D

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