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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. W1-11-3122

ORDER TO INITIATE CONTESTED CASE

CONTESTED CASE NAME: *In re Morris and Dorothea Elliott*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report  
DESCRIPTIVE SUMMARY: Contested case W1-11-3122 initiated and status conference set for **January 8, 2020 at 1:45 p.m.**  
NUMBER OF PAGES: 11  
DATE OF FILING: November 27, 2019

This Order initiates a contested case to consider the claims for water rights and resolve objections to Watershed File Report 114-04-BAC-020 (“WFR”) published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). The WFR identified potential water rights domestic use and for irrigation for land located in section 20 Township 6S Range 16E. The identified source of water for the claimed uses is one well that ADWR has determined is located

1 in the subflow zone. A copy of the watershed file report is attached as Attachment A. A copy  
2 of the map prepared for the WFR is attached as Attachment B.

3  
4 **Claimant & Landowner**

5 The WFR identified Statement of Claimant 39-4164 (“SOC”) as the relevant filing for  
6 the potential water rights. George B. Gordon filed the SOC claiming stock watering and  
7 irrigation water rights. The public records maintained by ADWR do not show an assignment of  
8 the SOC from George B. Gordon.  
9

10 Morris C. and Dorothea S. Elliott are named in the WFR as the owner of the property  
11 described in 114-04-BAC-020. According to a deed on file with the Pinal County Recorder,  
12 Morris C. and Dorothea S. Elliott conveyed property in Section 20, Township 6S Range 16E to  
13 the “US of America”. See Deed recorded on December 31, 1992 at docket 1878 page 303. The  
14 public records of Pinal County Assessor’s Office identify the United States of America as the  
15 owner of tax parcel 300-16-040. A copy of the current tax parcel map is attached as Attachment  
16 C.  
17

18 **IT IS ORDERED:**

19  
20 1. Contested Case. This contested case shall be known as *In re Morris and Dorothea*  
21 *Elliott* and it will address the Statement of Claimant and objections that were filed regarding the  
22 watershed file report 114-04-BAC-020 published in the Final San Pedro River Watershed  
23 Hydrographic Survey Report (1991). Copies of objections can be found under the case name  
24 and number on the following website:  
25 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)  
26 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)  
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1           2.     Litigants. The litigants in this contested case are the Claimants, the current  
2 landowner, all persons who filed objections to the Watershed File Report who are listed on  
3 Attachment D, and claimants who are allowed to intervene by order.

4           3.     Court-Approved Mailing List.

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

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

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

15           4.     Courtesy Email List.


16           The Special Master's office will email courtesy copies of orders and minute  
17 entries entered in this case to persons listed on Attachment D. Requests for  
18 inclusions on the email list should be sent to Barbara Brown at  
19 [brownb099@superiorcourt.maricopa.gov](mailto:brownb099@superiorcourt.maricopa.gov).

20           5.     Status Conference. An initial status conference shall be held to address whether the  
21 current landowner intends to pursue the claims for water rights asserted in the SOC  
22 and, if so, whether the objections to the potential water rights can be settled. If the  
23 objections cannot be settled, then a subsequent date will be set for a scheduling  
24 conference to identify issues, file disclosure statements, conduct discovery, submit  
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1 prehearing motions, and hold a trial. No party shall conduct any discovery or file  
2 any motions prior to the Scheduling Conference. The Status Conference shall be held  
3 on January 8, 2020 at 1:45 p.m. before:

4 Special Master Susan Ward Harris  
5 Superior Court of Arizona  
6 201 West Jefferson Street  
7 Courtroom 301  
8 Phoenix, AZ 85003-2202

9 Instructions for telephonic appearance:  
10 Dial: 602-506-9695 (local)  
11 1-855-506-9695 (toll free long distance)  
12 Dial Participant Pass Code 357264#

13   
14 \_\_\_\_\_  
15 SUSAN WARD HARRIS  
16 Special Master

17 On November 27, 2019, the original of the foregoing was  
18 delivered to the Clerk of the Maricopa County Superior  
19 Court for filing and distributing a copy to all persons  
20 listed on the Court-approved mailing list for this contested  
21 case, a copy of which is attached hereto as Attachment D,  
22 and to all persons listed on the Court-approved mailing  
23 list for W-1, W-2, W-3, and W-4 (Consolidated).  
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# ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
ELLIOTT, SR., MORRIS C.	114-O4-BAC-O20
& DOROTHEA S.	

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

W1-11-3122

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
10-1103152.1100		IRRIGATION		SW08	060S	160E	1885	NENW20	060S	160E
39-0004164		IRRIGATION STOCK	21.00 .55	NWNWNE20	060S	160E	1973	NWNWNE20	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
10-1103152.1100	IRRIGATION	NOT APPLICABLE		
39-0004164	IRRIGATION STOCK	IRRIGATION INCIDENTAL	WO1	IROO1

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	NWNWNE20	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	SWNWNE20	060S	160E	WO1	GROUNDWATER : ZONE 1		NO	
IROO1	NWNE20	060S	160E	WO1	GROUNDWATER : ZONE 1	1983	NO	

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DMOO1	39-0004164	NONE			GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO1	39-0004164	NONE	1973 FILING	39-4164	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
NONE	NONE			10-1103152.1100	

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	30.7	MULTI.CROPS	59%	5.7 AF/AC	175.0 AFA	
	MAX. POTENTIAL	30.7	AVE. CROP	50%	5.4 AF/AC	165.8 AFA	
		30.7	ALFALFA	59%	5.6 AF/AC	171.9 AFA	

EXPLANATION

FILINGS AND DECREES

FILING 10-1103152-11 - CLAIMS AN IRRIGATION WATER USE FROM THE SAN PEDRO RIVER. THE CLAIMED USE DOES NOT APPLY TO THIS W.F.R.

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION, DOMESTIC, AND STOCKWATERING USES.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.

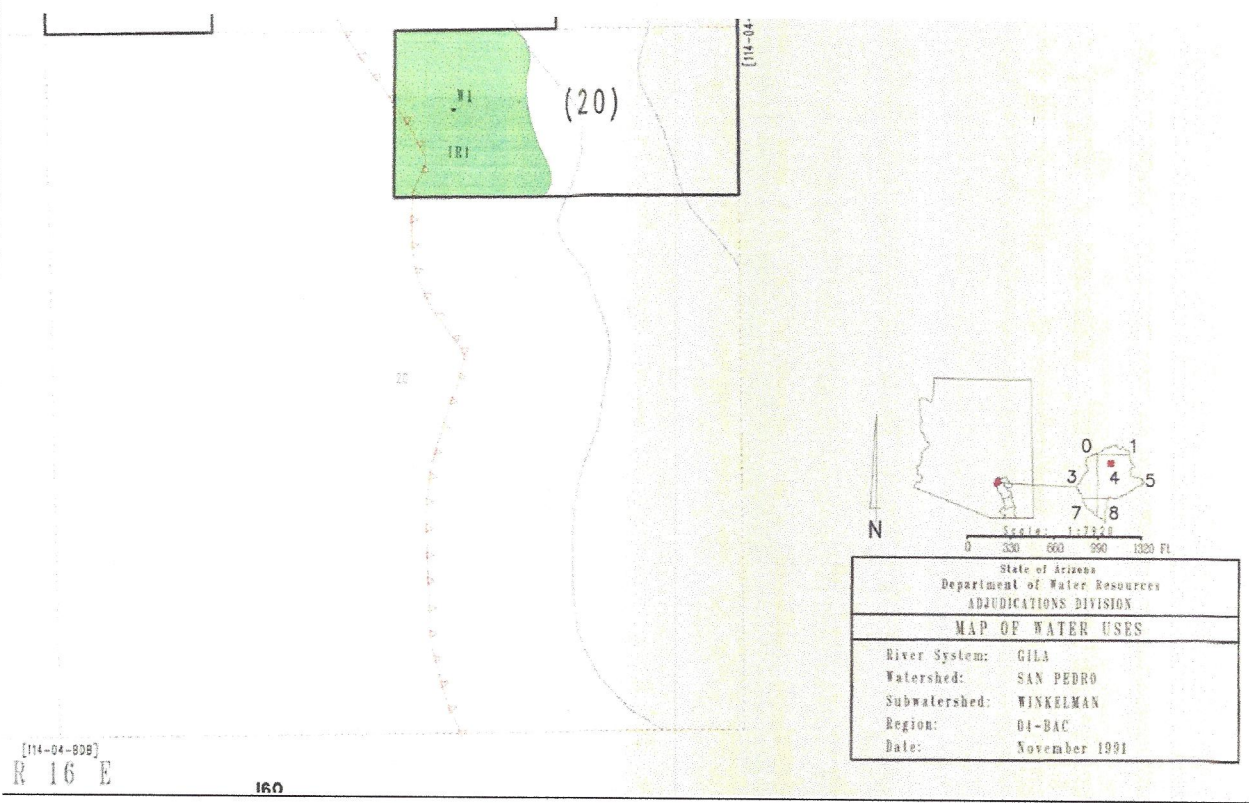
IR1 - IRRIGATED MULTIPLE CROPS (PASTURE AND ORCHARD).

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED FROM THE LAND OWNER WHICH INDICATED THAT ADDITIONAL ACREAGE WAS BEING IRRIGATED. THE CLAIMANT PERIODICALLY IRRIGATES ACREAGE IN THE FLOOD PLAIN BY USING AN INSTREAM PUMP AND A WATER CANNON FOR ADDITIONAL PASTURE, WHEN SURFACE WATER IS AVAILABLE.

# ATTACHMENT B

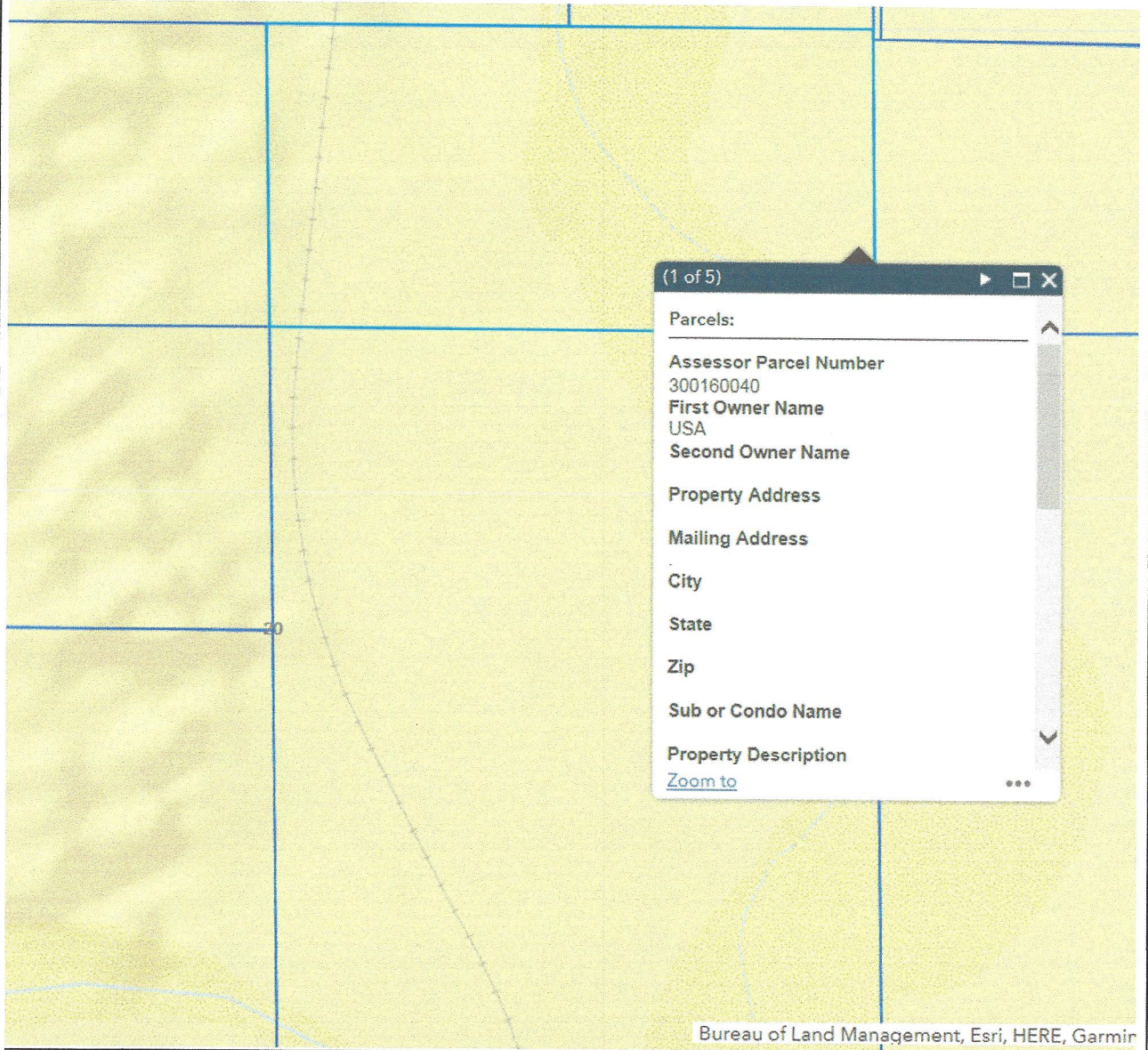
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# ATTACHMENT C

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# ATTACHMENT D

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Arizona Department of Water Resources  
Kimberly Parks  
Janet L. Miller  
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

BHP Copper, Inc.  
John D. Burnside  
Snell & Wilmer, L.L.P.  
400 E. Van Buren Street, Ste 1900  
Phoenix AZ 85004

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

George Gordon  
Star Route, Box 67  
Winkelman, AZ 85292

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

Lucas T. Christian & Julian Nava  
Rosette, LLP  
565 W. Chandler Blvd. Suite 212  
Chandler, AZ 85225

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

Salt River Valley Water Users Association,  
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

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

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