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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. W1-11-3239
ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In re Manuela Franco*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Contested case W1-11-3239 initiated and status conference set for **February 4, 2020 at 1:45 p.m.**
NUMBER OF PAGES: 12
DATE OF FILING: December 16, 2019

General Explanation

This Order begins the process necessary to determine water rights to water from a well located on land that the Pinal County Assessor has identified as tax parcels 300-53-030A and

1 300-53-030B which the Pinal County Assessor reports as owned by Helidoro Lerma and Roberto
2 Chavez and Francisco and Anna Estrada, respectively.

3 This contested case is one of the many cases in the General Stream Adjudication. The
4 purpose of the General Adjudication is to determine the water rights of those persons who use
5 water from the San Pedro watershed in addition to the watersheds for the Upper Salt, Verde,
6 Upper Gila, Lower Gila, Agua Fria and Upper Santa Cruz. Other cases in the General Stream
7 Adjudication have been completed, are in the process of determining water rights, or awaiting
8 initiation. This case is initiated to determine water rights to water in the San Pedro watershed.
9

10 **Claims for Water Rights**

11 This Order initiates a contested case to consider the claims and resolve objections to
12 Watershed File Report 114-04-DBC-006 (“WFR”) prepared by the Arizona Department of Water
13 Resources and published in the Final San Pedro River Watershed Hydrographic Survey Report
14 (1991).
15

16 The WFR identified potential water rights for domestic and irrigation use on land located
17 in section 16 Township 7S Range 16E. The identified source of water for the claimed uses is a
18 well located in section 26 T7S R16E. The Arizona Department of Water Resources has
19 determined that the well is located in the subflow zone.

20 A copy of the WFR is attached as Attachment A. A copy of the map prepared for the
21 WFR is attached as Attachment B on which the land in question is labelled as “(6)”. A copy of
22 the map prepared by the Pinal County Assessor showing tax parcels 300-53-030A and 300-53-
23 030B is attached as Attachment C.
24

25 **Claimants & Landowners**

26
27 The WFR identified one Statements of Claimant (SOC) relevant to the potential water
28 right: 39-12960. Manuela Franco filed the SOC claiming water for irrigation and domestic uses.

1 The WFR lists Manuela and Robert Franco as the owners of the property described in the WFR.
2 According to the SOC, Robert Franco is deceased. The public records of the Arizona Department
3 of Water Resources do not include an assignment of the SOC filed by Manuela Franco to any
4 succeeding landowner.

5 The records of the Pinal County Assessor list Helidoro Lerma and Roberto Chavez and
6 Francisco and Anna Estrada as the owner of the property described in the WFR.

7
8 **IT IS ORDERED:**

9 1. Contested Case. This contested case shall be known as *In re Manuela Franco*
10 and it will determine water rights asserted in the Statement of Claimant and objections that were
11 filed to Watershed File Report 114-04-DBC-006 published in the Final San Pedro River
12 Watershed Hydrographic Survey Report (1991). Copies of objections can be found under the
13 case name and number on the following website:
14 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
15 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

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

19 3. Court-Approved Mailing List.

20 A. The initial Court-approved mailing list for this case shall include all
21 persons listed on Attachment D to this order. The list may be modified
22 only by filing a motion with the Special Master to amend the Court-
23 approved mailing list. Litigants are responsible for using the current
24 Court-approved mailing list.
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1 B. A copy of any pleading filed with the Clerk of the Maricopa County
2 Superior Court in this case shall be served upon each person listed on the
3 Court-approved mailing list.

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

8 4. Courtesy Email List.

9 The Special Master's office will email courtesy copies of orders and minute
10 entries entered in this case to persons listed on Attachment D. Requests for
11 inclusions on the email list should be sent to Barbara Brown at
12 brownb099@superiorcourt.maricopa.gov.
13

14 5. Status Conference.

15 A. An initial status conference shall be held to determine whether the
16 Manuela Franco intends to pursue her claim for a water right or whether
17 any current landowner intends to make a claim for water rights and, if so,
18 whether the statement of claimant filed by Manuela Franco can be
19 assigned to a current landowner.
20

21
22 B. If water rights will be pursued with respect to the land, then another
23 purpose of the initial status conference will be to determine whether
24 objections to the WFR can be settled and the amount of time that the
25 parties will require to discuss the resolution of the objections.
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1 C. If the objections cannot be settled, then a subsequent date will be set for
2 a scheduling conference to identify issues, file disclosure statements,
3 conduct discovery, submit prehearing motions, and hold a trial. No party
4 shall conduct any discovery or file any motions prior to the Scheduling
5 Conference.

6 The Status Conference shall be held on **February 4, 2020 at 1:45 p.m.** before:


7
8 Special Master Susan Ward Harris
9 Superior Court of Arizona
10 201 West Jefferson Street, Courtroom 301
11 Phoenix, AZ 85003-2202

12 Instructions for telephonic appearance:

13 Dial: 602-506-9695 (local)

14 1-855-506-9695 (toll free long distance)

15 Dial Participant Pass Code 357264#

16
17 
18 SUSAN WARD HARRIS
19 Special Master

20 On December 16, 2019, the original of the foregoing was
21 delivered to the Clerk of the Maricopa County Superior
22 Court for filing and distributing a copy to all persons
23 listed on the Court-approved mailing list for this contested
24 case, a copy of which is attached hereto as Attachment D,
25 and to all persons listed on the Court-approved mailing
26 list for W-1, W-2, W-3, and W-4 (Consolidated).
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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
FRANCO, ROBERT G.	114-04-DBC-006
& MANUELA A.	

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

WI-11-3239

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
10-1115346.1100		IRRIGATION	9000.00	SWNE26	070S	160E	1916	NENE01	080S	160E
39-0012960		IRRIGATION DOMESTIC	6.40 .28	W2SE26 SESE26	070S	160E	1915	SWSESE26	070S	160E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
10-1115346.1100	IRRIGATION	IRRIGATION		IROO1
39-0012960	IRRIGATION DOMESTIC	IRRIGATION DOMESTIC	WO1	IROO1, DMOO1

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	SWSESE26	070S	160E	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	SWSESE26	070S	160E	WO1	GROUNDWATER : ZONE 1		NO	
IROO1	SESE26	070S	160E	WO1	GROUNDWATER : ZONE 1	1935	YES	

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DMOO1	39-0012960	NONE		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO1	39-0012960	10-1115346.1100	1915 FILING 39-12960	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							
IROO1	MAX. OBSERVED REGIONAL	2.5	MULTI.CROPS	39%	4.1 AF/AC	10.3 AFA	SEE VOLUME 1 - GENERAL ASSESSMENT
	MAX. POTENTIAL	2.5	AVE. CROP	50%	5.4 AF/AC	13.5 AFA	
		2.5	ALFALFA	39%	8.5 AF/AC	21.3 AFA	

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION AND DOMESTIC USES.

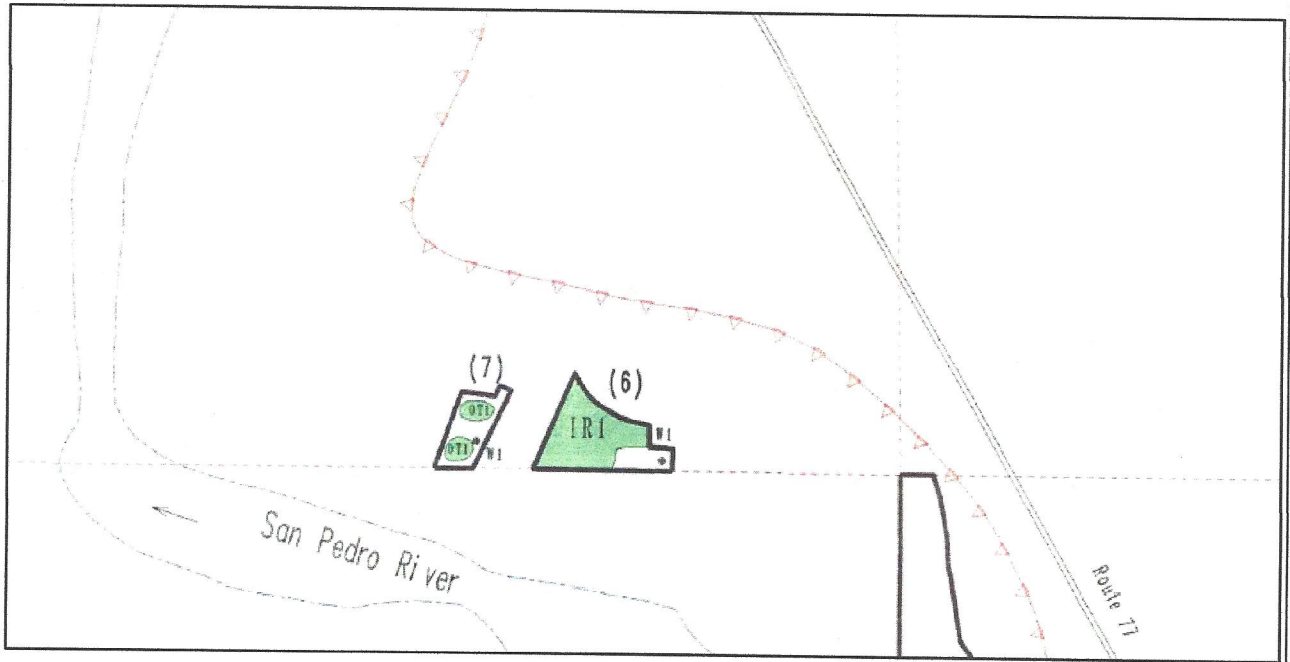
USES AND RESERVOIRS

DM1 - DOMESTIC USE.

IR1 - IRRIGATED MULTIPLE CROPS (FRUIT TREES AND CORN).

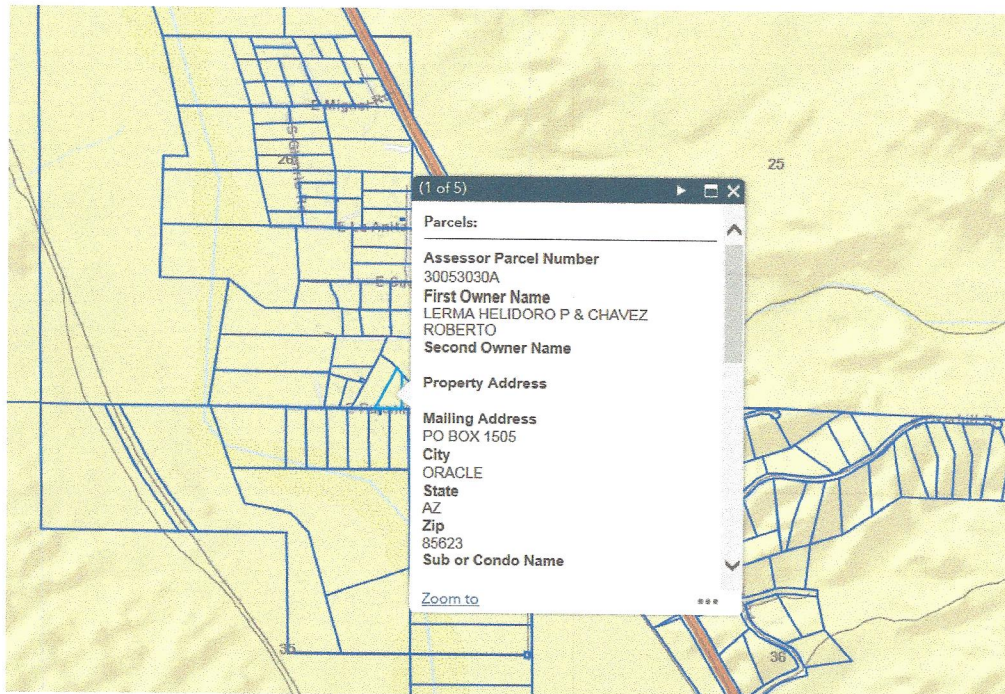
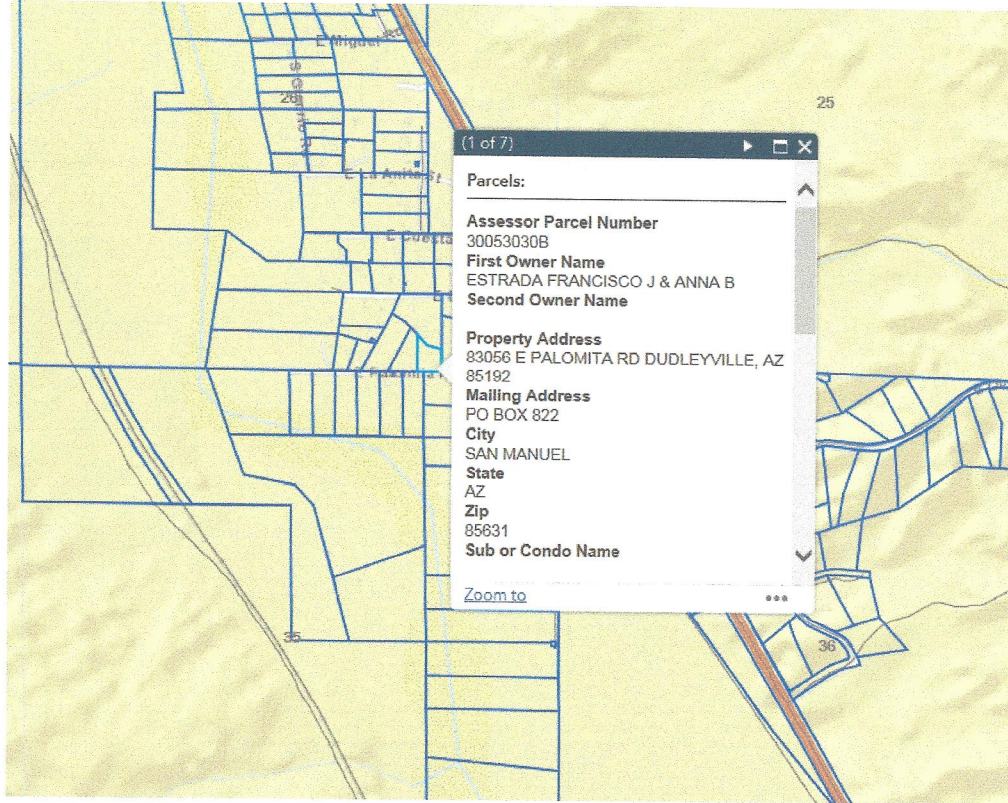
ATTACHMENT B

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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

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

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

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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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Francisco and Anna Estrada
P. O. Box 822
San Manuel, AZ 85631

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

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Helidoro P Lerma & Roberto Chavez
P.O. Box 1505
Oracle, AZ 85623

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

- 1 Lucas T. Christian & Julian Nava
- 2 Rosette, LLP
- 3 565 W. Chandler Blvd. Suite 212
- 4 Chandler, AZ 85225
- 5
- 6 Manuela Franco
- 7 P. O. Box 291
- 8 Mammoth, AZ 85618
- 9
- 10 S. Montgomery, R. Interpreter, J. Tomkus
- 11 Montgomery & Interpreter, Plc
- 12 3301 E. Thunderbird Road
- 13 Phoenix, AZ 85032
- 14
- 15 Salt River Valley Water Users Association,
- 16 Salt River Project Agricultural Improvement and Power District
- 17 John B. Weldon, Jr. and Mark A. McGinnis
- 18 Salmon, Lewis & Weldon PLC
- 19 2850 E Camelback Rd, Ste. 200
- 20 Phoenix, AZ 85016
- 21
- 22 Special Master Susan Ward Harris
- 23 Superior Court of Arizona
- 24 201 W. Jefferson Street
- 25 Courtroom 301
- 26 Phoenix, AZ 85003
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