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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. W1-11-3324
ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In re Joel William Rubin*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Contested case W1-11-3324 initiated and status conference set
for **July 18, 2019 at 2:45 PM**
NUMBER OF PAGES: 12
DATE OF FILING: June 7, 2019

This Order initiates a contested case to consider the claims and resolve objections to
Watershed File Report 115-04-ADC-006 (“WFR”) published in the Final San Pedro River
Watershed Hydrographic Survey Report (1991). The WFR identified potential water rights for
domestic, irrigation, and small reservoir uses for the land described in the WFR located in
sections 04 and 09 Township 7S Range 17E. The identified sources of water for the claimed
uses are surface water from Aravaipa Creek and two wells. A copy of the watershed file report

1 is attached as Attachment A. A copy of the map prepared for the WFR is attached as
2 Attachment B, and a copy of the current tax parcel map is attached as Attachment C.

3
4 **Claimants & Landowners**

5 Joel W. Rubin filed Statement of Claimant 39-2281 (SOC) claiming a recreational and
6 wildlife use on the land described in the WFR. The WFR named Joel William Rubin as the
7 owner of the property described in 115-04-ADC-006. The public records maintained by
8 Arizona Department of Water Resources do not contain an assignment of the SOC.
9

10 By Warranty Deed filed on July 21, 1999 with the Pinal County Recorder at fee
11 number 1999-033151, Joel William Rubin conveyed 3.345 acres in section 9 T7S R17E to
12 Frank B. Christopher. On that same date, Frank B. Christopher conveyed property in section
13 9 T7S R17E to Kelly G. Glenn and Sandra T. Knox. Pinal County has identified that
14 property in section 9 as tax parcel 300-42-005D. The public records maintained by ADWR
15 do not show that Kelly G. Glenn and Sandra T. Knox have filed a statement of claimant with
16 respect to section 9 T7S R17E. Joel William Rubin is listed by the Pinal County Assessor as
17 the owner of tax parcel 300-42-005C.
18

19
20
21 **IT IS ORDERED:**

22 1. Contested Case. This contested case shall be known as *In re Joel William Rubin*
23 and it will address the Statement of Claimant and objections that were filed regarding the
24 watershed file report 115-04-ADC-006 published in the Final San Pedro River Watershed
25 Hydrographic Survey Report (1991). Copies of objections can be found under the case name
26 and number on the following website:
27 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
28 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

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

4 3. Court-Approved Mailing List.

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

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

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

16 4. Courtesy Email List.

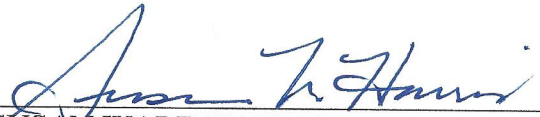
17 The Special Master's office will email courtesy copies of orders and minute
18 entries entered in this case to persons listed on Attachment D. Requests for
19 inclusions on the email list should be sent to Barbara Brown at
20 brownb099@superiorcourt.maricopa.gov.

21 5. Status Conference. An initial status conference shall be held to address the
22 adjudication of this case and determine whether the objections to the potential water rights can
23 be settled. If the objections cannot be settled, then a subsequent date will be set for a
24 scheduling conference to identify issues, file disclosure statements, conduct discovery, submit
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1 prehearing motions, and hold a trial. The Status Conference shall be held on **July 18, 2019**, at
2 2:45 PM before:

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

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

11
12 
13 SUSAN WARD HARRIS
14 Special Master

15 On June 7, 2019, the original of the foregoing was
16 delivered to the Clerk of the Maricopa County Superior
17 Court for filing and distributing a copy to all persons
18 listed on the Court-approved mailing list for this
19 contested case, a copy of which is attached hereto as
20 Attachment D, and to all persons listed on the Court-
21 approved mailing list for W-1, W-2, W-3, and W-4
22 (Consolidated).
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ATTACHMENT A

LAND OWNER	WATERSHED FILE REPORT NUMBER
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RUBIN, JOEL WILLIAM	115-04-ADC-006

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

WI-11-3324

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
10-1104274.1200				SW04	070S	170E	1892	SW04	070S	170E
39-0002281		IRRIGATION DOMESTIC REC/FISH/WLDF	1.00 10.00	NWSE04	070S	170E	1962	SENE04	070S	170E
								NWSESE09	070S	170E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
10-1104274.1200				
39-0002281	IRRIGATION DOMESTIC RECREATION WILDLIFE	IRRIGATION DOMESTIC INCIDENTAL	DO1 DO1,WO2	D001,SROO1,IROO1

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
DO1	NESESW04	070S	170E	UNNAMED	SURFACE WATER: ARAVAIPA CREEK
WO1	NENWNW09	070S	170E	UNNAMED	GROUNDWATER : ZONE 1 OF THE ARAVAIPA CREEK
WO2	NESESW04	070S	170E	UNNAMED	GROUNDWATER : ZONE 1 OF THE ARAVAIPA CREEK

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
D001	NENWNW09	070S	170E	WO1,WO2	GROUNDWATER : ZONE 1		NO	
	NESESW04	070S	170E					
IROO1	NWNW09	070S	170E	DO1	SURFACE WATER	1935	YES	
	SESW04	070S	170E					
	SWSW04	070S	170E					
IROO2	NWNW09	070S	170E	WO1	GROUNDWATER : ZONE 1	1935	YES	

RESERVOIRS

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SROO1	NENWNW09	070S	170E	DO1	SURFACE WATER	1984	UNNAMED	RECREATION WILDLIFE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
D001	39-0002281	NONE			GROUNDWATER : ZONE 1 OF THE ARAVAIPA CREEK
IROO1	39-0002281	10-1104274.1200	1921	1921	STATE SURVEY SURFACE WATER: ARAVAIPA CREEK
IROO2	NONE	NONE	1921	1921	STATE SURVEY GROUNDWATER : ZONE 1 OF THE ARAVAIPA CREEK
SROO1	39-0002281	10-1104274.1200	1984	1984	AERIAL PHOTO SURFACE WATER: ARAVAIPA CREEK

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT
IROO1	MAX. OBSERVED REGIONAL	1.7	PERM. PSTR	32%	9.9 AF/AC	16.8 AFA	
	MAX. POTENTIAL	1.7	AVE. CROP	50%	5.4 AF/AC	9.2 AFA	
IROO2	MAX. OBSERVED REGIONAL	.4	PERM. PSTR	32%	9.9 AF/AC	17.7 AFA	
	MAX. POTENTIAL	.4	AVE. CROP	50%	5.4 AF/AC	4.0 AFA	
SROO1	MAX. POTENTIAL	.4	ALFALFA	32%	10.4 AF/AC	2.2 AFA	
	MAX. AREA/CAP	LT 2.0				4.2 AFA	
						LTE 15.0 AF	

EXPLANATION

FILINGS AND DECREES

FILING 10-1104274-12 - NO WATER USES ARE CLAIMED FROM A DITCH ON ARAVAIPA CREEK. NO WATER USES COULD BE MATCHED TO THIS FILING.

DIVERSIONS

- D1 - DIVERSION FROM ARAVAIPA CREEK INTO A DITCH.
- W1 - WELL PROVIDES WATER FOR IRRIGATION, DOMESTIC, RECREATION, AND WILDLIFE USES.
- W2 - WELL PROVIDES WATER FOR DOMESTIC AND IRRIGATION USES.

USES AND RESERVOIRS

- DM1 - DOMESTIC WATER USE INCLUDES IRRIGATION OF LESS THAN ONE-HALF ACRE WITHIN GROUNDWATER ZONE 1 OF ARAVAIPA CREEK.
- IR1 & IR2 - IRRIGATED PASTURE.
- SR1 - SMALL RESERVOIR, SUPPLIED BY DIVERSION D1 AND WELL W1, IS USED FOR RECREATION AND WILDLIFE PURPOSES.

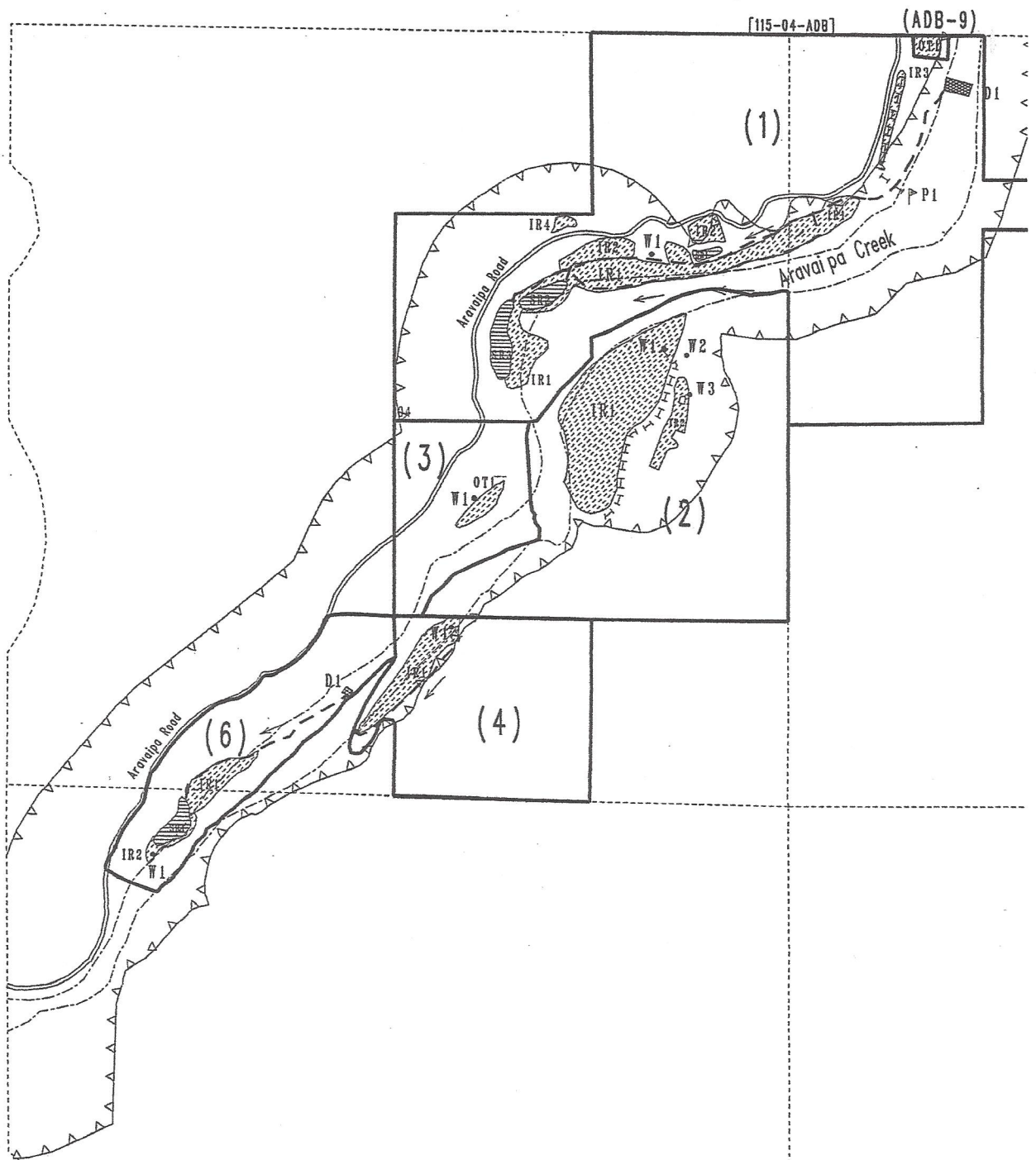
DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED FROM THE LAND OWNER WHICH MENTIONS A SECOND WELL.

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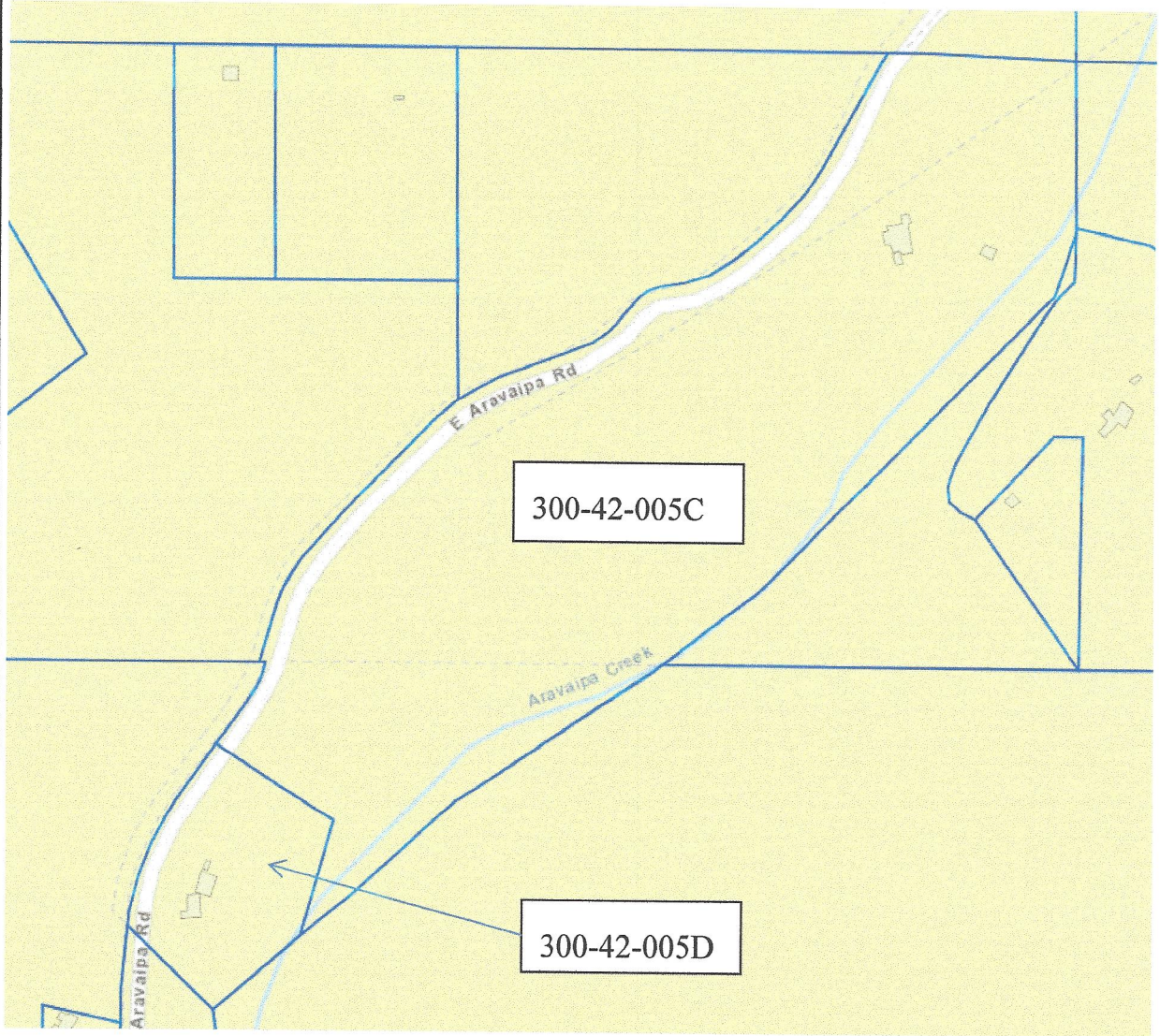
ATTACHMENT B

T 7 S



ATTACHMENT C

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ATTACHMENT D

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5 Arizona Department of Water Resources
6 Kimberly Parks
7 Janet L. Miller
8 P. O. Box 36020
9 Phoenix, AZ 85067

10 ASARCO Incorporated
11 Lauren J. Caster
12 Fennemore Craig, P.C.
13 2394 East Camelback Road
14 Suite 600
15 Phoenix, AZ 85016-3429

16 BHP Copper, Inc.
17 C/O CT Corporation System
18 3800 North Central Ave. Ste. 460
19 Phoenix, AZ 85012

20 Clerk of the Superior Court
21 Maricopa County
22 Attn: Water Case
23 601 West Jackson Street
24 Phoenix, AZ 85003

25 Gila River Indian Community
26 Linus Everling and Thomas L. Murphy
27 Office of the General Counsel
28 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

Joel William Rubin
5350 W. Hillsboro Blvd #B-104
Coconut Creek, FL 33073

Joel William Rubin
88675 East Aravaipa Road

1 Dudleyville, AZ 85192

2 Kelly G. Glen
88225 E. Aravaipa Road
3 Winkleman, AZ 85192

4 Kelly G. Glen
88225 E. Aravaipa Road
5 Dudleyville, AZ 85192

6 S. Montgomery, R. Interpreter, J. Tomkus
7 Montgomery & Interpreter, Plc
8 3301 E. Thunderbird Road
Phoenix, AZ 85032

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

13 San Carlos Apache Tribe
14 Tonto Apache Tribe
15 Joe P. Sparks and Laurel A. Hermann
The Sparks Law Firm, P.C.
16 7503 First Street
Scottsdale, AZ 85251-4573

17 Sandra T. Knox
18 88225 E. Aravaipa Road
19 Winkelman, AZ 85192

20 Sandra T. Knox
88225 E. Aravaipa Road
21 Dudleyville, AZ 85192

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

25 U. S. Department of Justice
26 Patrick Barry and Yosef Negose
27 U.S. Department of Justice
Environment and Natural Resources
28 P. O. Box 7611