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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. W1-11-3386

ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In re Ruben and Delta Bryce*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Contested case W1-11-3386 is initiated and status conference set for **September 12, 2019 at 2:10 p.m.**

NUMBER OF PAGES: 13

DATE OF FILING: August 7, 2019

This Order initiates a contested case to consider the claims and resolve objections to Watershed File Report 115-05-AC-007 (“WFR”) published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). The WFR identified a potential water right for irrigation for the land described in the WFR located in section 34 of Township 6S Range 19E. The WFR located one well that supplied the identified water uses: W01. Arizona Department of Water Resources (ADWR) has determined that W01 is located in the subflow zone. A copy

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

3
4 **Claimants & Landowners**

5 The WFR identified two Statements of Claimant (SOC) relevant to the potential water
6 right: 39-2579 and 39-12545. On December 28, 1979, Delta Bryce filed SOC 39-2579
7 claiming 13.8 acre-feet annually for 2.3 acres of land located in the NWNE section 34 T6S
8 R19E supplied by a well located in the NWNWNE section 34 T6S R19E. The WFR lists the
9 location of well, W01, as within NENWNE of section 34 T6S R19E. The WFR also
10 identified that W01 is shared with WFR 115-06-AC-006 which is part of contested case W1-
11 11-3385. The public records of Arizona Department of Water Resources (ADWR) do not
12 include an assignment of SOC 39-2579.
13

14 Elizabeth Hilliard filed SOC 39-12545 claiming 0.6 acre-feet annually for domestic
15 and stockwater uses supplied by a well located in NWNE section 34 T6S R19E. The public
16 records of ADWR do not show an assignment of SOC 39-12545. The WFR for 115-05-AC-
17 006 also included SOC 39-12545 which is part of contested case W1-11-3385.
18

19 The WFR identified Delta and Ruben Bryce as the landowners of the land included in
20 the WFR. The public records of the Graham County Recorder's Office show Re[u]ben A.
21 Bryce died in June of 1966 leaving Delta Bryce entitled to the land "by intestate succession
22 as sole heir" according to Affidavit of Succession to Real Property filed by Delta Bryce on
23 July 6, 1993. On July 6, 1993, Delta Welker Bryce conveyed to Delta Welker Bryce as
24 trustee of the Delta Welker Bryce Living Trust the land described as:
25
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1 The Northwest ¼ of the Northeast ¼ of Section 34,
2 Township 6 South of Range 19 East, G.S.R.B. & M.,
3 Graham County, Arizona; EXCEPTING there-from the
4 following described tract of land, to-wit: The East ½ of
5 the East ½ of the Northwest ¼ of the Northeast ¼ of said
6 Section 34.

7 On September 26, 2002, Greta Bergan and Logene Allen, as successor Co-Trustees of
8 the Delta Welker Bryce Living Trust, removed this land from trust. On September 4, 2008,
9 Greta Bergan conveyed a one half interest in the land to herself as Trustee of the Greta Bergan
10 Trust. On December 14, 2011, Logene Allen conveyed a one half interest in the land to herself
11 as trustee of the Logene Allen Living Trust and her successors. According to the Graham
12 County Assessor's Office, the land at issue is tax parcel no. 110-14-012. A copy of the current
13 tax parcel map is attached as Attachment C.

14 Greta Bergan filed a land survey on December 1, 2016 showing the land held by the
15 two trusts, adjacent to the land owned by John Franzone. A copy of the land survey is
16 included as Attachment D.

17 **IT IS ORDERED:**

18 1. Contested Case. This contested case shall be known as *In re Ruben and Delta*
19 *Bryce* and it will address Statements of Claimant and objections that were filed regarding the
20 Watershed File Report 115-05-AC-007 published in the Final San Pedro River Watershed
21 Hydrographic Survey Report (1991). Copies of objections can be found under the case name
22 and number on the following website:
23 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.
24 asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

25 2. Litigants. The litigants in this contested case are the Claimants, the current
26 landowners, all persons who filed objections to the listed watershed file reports who are listed
27 on Attachment E, and claimants who are allowed to intervene by order.
28

1 3. Court-Approved Mailing List.

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

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

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

14 4. Courtesy Email List.

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

20 5. Status Conference. An initial status conference shall be held to address the
21 adjudication of this case, ascertain whether the current landowners intend to pursue claims for
22 water rights, and determine whether the objections to the potential water rights can be settled.
23 If the 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 prehearing
25 motions, and hold a trial. No party shall conduct any discovery or file any motions prior to the
26 Scheduling Conference. The Status Conference shall be held on **September 12, 2019**, at 2:10
27 p.m. before:
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Special Master Susan Ward Harris
Superior Court of Arizona
201 West Jefferson Street
Courtroom 301
Phoenix, AZ 85003-2202

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



SUSAN WARD HARRIS
Special Master

On August 7, 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 E, and to all persons listed on the Court-approved mailing list for W-1, W-2, W-3, and W-4 (Consolidated).

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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
BRYCE, RUBEN A. & DELTA	115-05-AC-007

A P P L I C A B L E F I L I N G S A N D D E C R E E S

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

WI-11-3386

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
39-0002579	QUE.RECD	IRRIGATION DOMESTIC STOCK	13.80	NWNE34	060S	190E	1919	NWNWNE34	060S	190E
39-0012545		DOMESTIC STOCK	.10 .50				1970			

D W R A N A L Y S I S O F F I L I N G S A N D D E C R E E S

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0002579	IRRIGATION DOMESTIC STOCK	IRRIGATION NONE	WO1	IROO1
39-0012545	DOMESTIC STOCK	INCIDENTAL NOT APPLICABLE INCIDENTAL	WO1	

D I V E R S I O N S

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	NENWNE34	060S	190E	UNNAMED	GROUNDWATER : ZONE 1 OF THE ARAVAIPA CREEK SHARED

U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	CHANGE	FACILITY NAME
OTOO1	NWNE34	060S	190E	WO1	GROUNDWATER : ZONE 1	1935	NO	

S H A R E D U S E S A N D D I V E R S I O N S

** WATER FROM WO1 FOUND IN FILE (115-05-AC-6) IS USED IN THIS FILE

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
OTOO1	39-0002579	NONE	1919 FILING 39-2579	GROUNDWATER : ZONE 1 OF THE ARAVAIPA CREEK

Q U A N T I T I E S O F U S E

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
OTOO1	REGIONAL	1.8	AVE. CROP	50%	5.4 AF/AC	9.7 AFA	

E X P L A N A T I O N

FILINGS AND DECREES

FILING 39-2579 - CLAIMS IRRIGATION, DOMESTIC, AND STOCKWATERING USES. NO DOMESTIC USE WAS FOUND AT THE CLAIMED LOCATION.
 FILING 39-12545 - CLAIMS A DOMESTIC WATER USE WHICH DOES NOT APPLY TO THIS PROPERTY.
 FILING 39-2579 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH DESCRIBED WATER USES ON THE

PROPERTY.

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION USES.

USES AND RESERVOIRS

IR1 - IRRIGATED PASTURE.

SHARED USES AND DIVERSIONS

W1 - WELL IS SHARED WITH W.F.R. #115-05-AC-6.

ATTACHMENT B

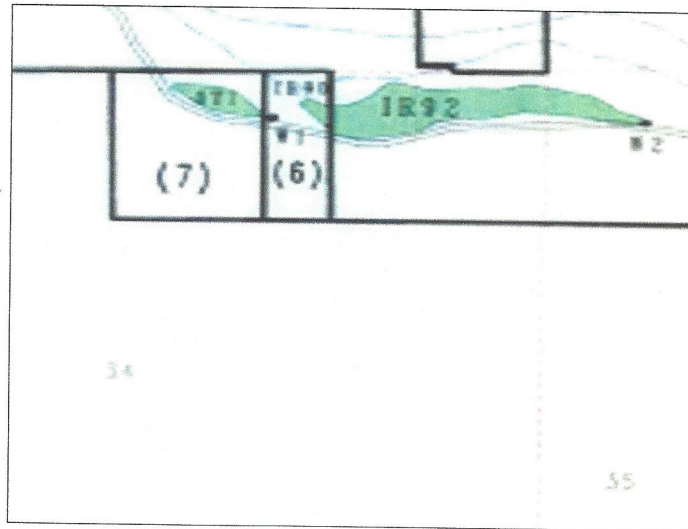


Figure 1. Land at issue in this case is labelled as (7).

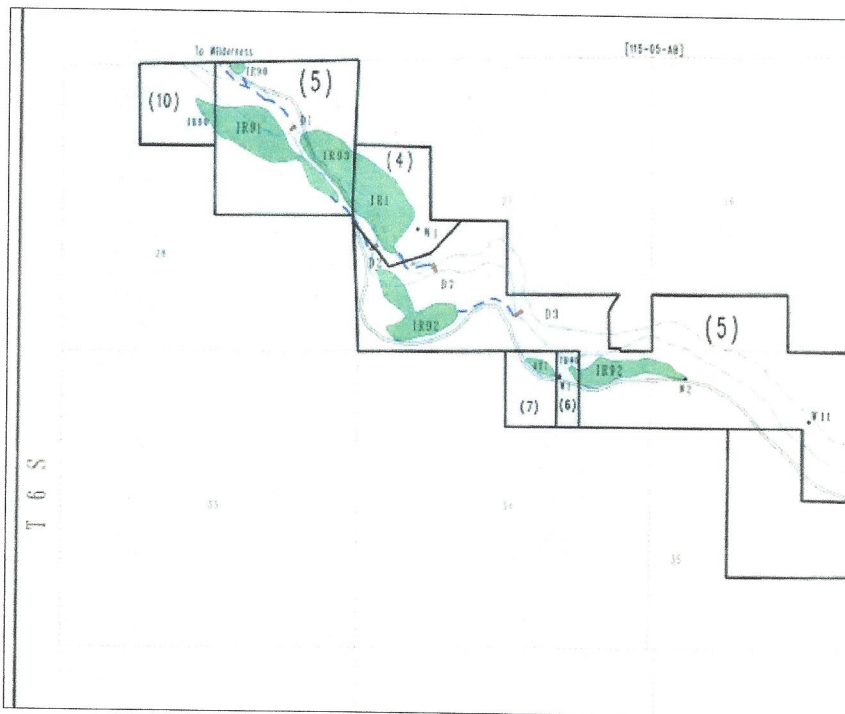


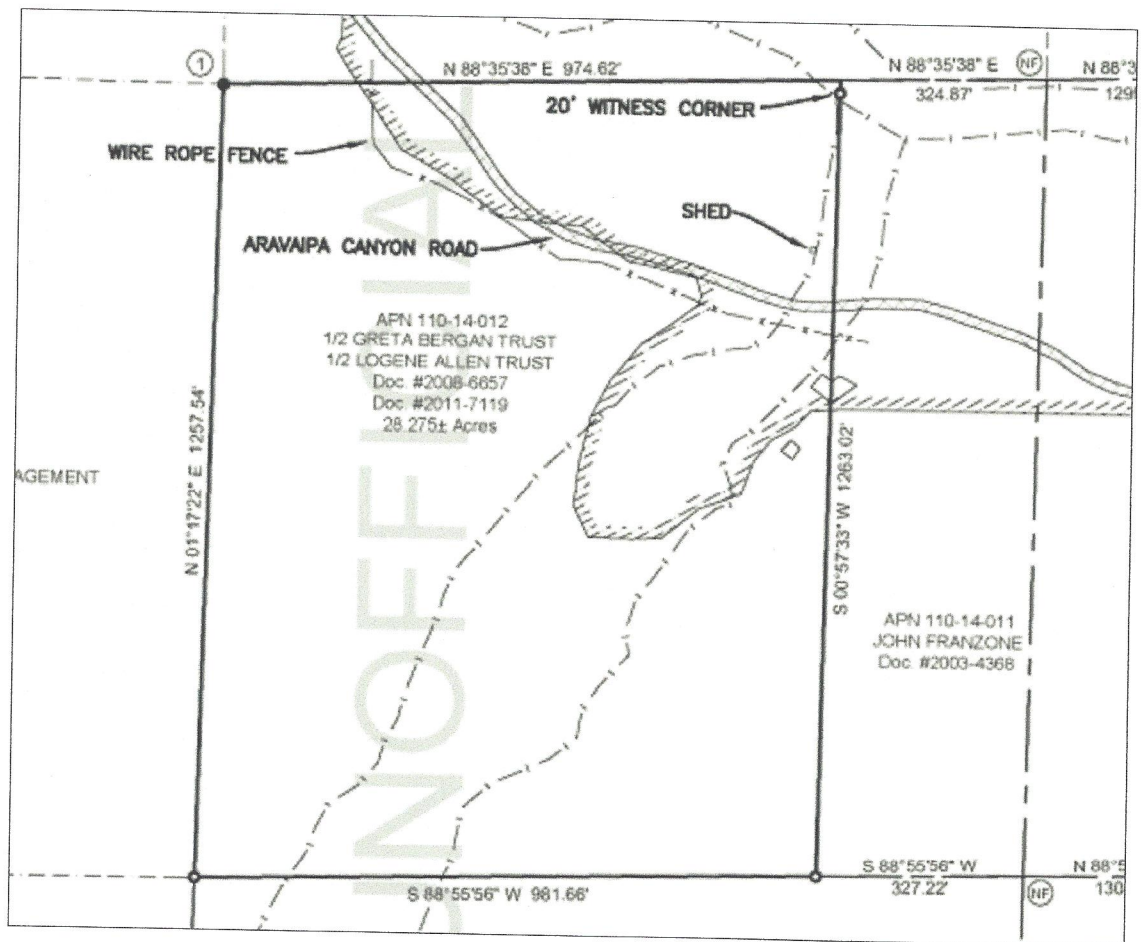
Figure 2. Land included in 115-05-AC-006 is labelled as (6) and the land shown in this case is labelled as (7).

ATTACHMENT C



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ATTACHMENT D



ATTACHMENT E

1
2
3 Arizona Department of Water Resources

4 Kimberly Parks

Janet L. Miller

5 P. O. Box 36020

6 Phoenix, AZ 85067

7 ASARCO Incorporated

8 Lauren J. Caster

Fennemore Craig, P.C.

9 2394 East Camelback Road

Suite 600

10 Phoenix, AZ 85016-3429

11 BHP Copper, Inc.

L. Wm. Staudenmaier and John D. Burnside

12 Snell & Wilmer, L. L. P.

400 E. Van Buren Street, Ste 1900

13 Phoenix, Arizona 85004-2202

14 Clerk of the Superior Court

15 Maricopa County

Attn: Water Case

16 601 West Jackson Street

17 Phoenix, AZ 85003

18 Delta Bryce

322 Relation Street

19 Safford, AZ 85546

20 Elizabeth Hilliard

1314 W. Kleindale

21 Tucson, AZ 85705

22 Gila River Indian Community

23 Linus Everling and Thomas L. Murphy

Office of the General Counsel

24 P. O. Box 97

25 Sacaton, AZ 85147

26
27 Joe P. Sparks and Laurel A. Herrmann

28 The Sparks Law Firm, P.C.

1 7503 First Street
Scottsdale, AZ 85251-4573

2 Logene Allen
3 The Logene Allen Living Trust
4 C/O Jan Rogers
5 6479 W. Wahalla Ln.
Glendale, AZ 85308

6 Lucas T. Christian & Julian Nava
7 Rosette, LLP
8 565 W. Chandler Blvd. Suite 212
Chandler, AZ 85225

9 S. Montgomery, R. Interpreter, J. Tomkus
10 Montgomery & Interpreter, Plc
11 3301 E. Thunderbird Road
Phoenix, AZ 85032

12 Salt River Valley Water Users Association and the Salt River Project Agricultural
Improvement and Power District
13 John B. Weldon, Jr. and Mark A. McGinnis
14 Salmon, Lewis & Weldon PLC
15 2850 E Camelback Rd, Ste. 200
Phoenix, AZ 85016

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

19 U. S. Department of Justice
20 Patrick Barry and Yosef Negose
21 Environment and Natural Resources
22 P. O. Box 7611
Washington, D.C. 20044-7611

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24

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