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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. W1-11-3394

ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In re W. H. Claridge*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Contested case W1-11-3394 is initiated and status conference set for **August 7, 2019 at 1:30 PM**

NUMBER OF PAGES: 12

DATE OF FILING: July 3, 2019

This Order initiates a contested case to consider the claims and resolve objections to Watershed File Report 115-05-ADC-001 ("WFR") published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). The Arizona Department of Water Resources (ADWR) found that irrigation had occurred on the land described in the WFR located in the E2SW section 06 Township 7S Range 20E in the preceding ten years on the land. The WFR listed three wells although it found that two of the wells were unused. The well used for stock

1 watering and irrigation, W01, is located in the subflow zone. A copy of the watershed file
2 report is attached as Attachment A. A copy of the map prepared for the WFR is attached as
3 Attachment B.

4 5 **Claimants and Landowners**

6 The WFR identified the landowners of the land as Fred A. and Bertha E. Riebold and
7 Far Mining Enterprises. The WFR also identified three Statements of Claimant (SOC)
8 relevant to the potential water right: 39-3993, 39-3995, and 39-3996. W. H. Claridge filed the
9 three SOC's on June 3, 1980 claiming 160 acre-feet annually (AFA) for irrigation purposes.
10 The public records of ADWR do not include assignments of these three SOC's.
11

12 According to the public records of the Graham County Recorder's office, in June 1990
13 Sylvia Claridge owned Lots 6, 7, and the eastern half of the southwest quarter of section 06
14 T7S R20E, excepting the west 99ft. of the property. Currently, the public records of the
15 Graham County Assessor's Office show that the land has been divided into five different
16 parcels. A copy of the current Graham County tax parcel map is attached as Attachment C.
17

18 John Stoddard Jr. owns tax parcel no. 110-47-003B. Well 02 listed in the WFR is
19 located on this land. The remaining wells included in the WFR are located on tax parcel no.
20 110-47-003G owned by Gregory J. Larson, Trustee of The Larson Education Trust.
21 According to the public records, tax parcel no. 110-47-003G is subject to an easement for the
22 Arizona Department of Environmental Quality (ADEQ) titled "Environmental Access
23 Agreement" recorded January 31, 2008, a "Declaration of Environmental Use Restriction for
24 Property with Engineering Control and Non-Residential Restriction" recorded on February 6,
25 2019, and a "Environmental Access Agreement" recorded on February 6, 2019. The
26 remainder of the property included in the WFR has been subdivided and is owned as follows:
27
28

Owner	Tax Parcel No.
Margarito Lozoya	110-47-003D
Gary W. Edwards Sr.	110-47-003F and 110-47-003H

IT IS ORDERED:

1. Contested Case. This contested case shall be known as *In re W. H. Claridge* and it will address Statements of Claimant and objections that were filed regarding the watershed file report 115-05-ADC-001 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections can be found under the case name and number on the following website: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>

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

3. Court-Approved Mailing List.

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

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

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

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4. Courtesy Email List.

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

5. Status Conference. An initial status conference shall be held to address the adjudication of the claims for water rights and determine if the landowners intend to assert claims for water use on the property. The Status Conference shall be held on **August 7, 2019** at 1:30 p.m. before:

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 July 3, 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).

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ATTACHMENT A

LAND OWNER	ZONE 2 WELL
-----	REPORT NUMBER
RIEBOLD, FRED A.	115-05-ADC-001
& BERTHA E.	
FAR MINING ENTERPRISES	

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
WO1	MILL WELL #1	SWNESW06	07OS	200E	IRO90	W1-11-3394 UNUSED UNUSED
WO2	MILL WELL #3	NENWSW06	07OS	200E		
WO4	MILL WELL #4	SESESW06	07OS	200E		

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***		APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE	DATE	BASIS FOR DATE		
IRO90	NESW06	07OS	200E	1983	1983 AERIAL PHOTO		7.9
	SESW06	07OS	200E				

APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
39-0003993	WO1	IRO90
39-0003995	WO1	IRO90
39-0003996	WO1	IRO90

EXPLANATION

W1 - WELL PROVIDES WATER FOR IRRIGATION AND STOCKWATERING USES.

W2 & W4 - UNUSED WELLS.

IRO90 - DISCONTINUED IRRIGATION: D.W.R. HAS DETERMINED THAT NO IRRIGATION HAS OCCURRED ON THIS PROPERTY IN THE LAST FIVE YEARS, BUT THERE HAS BEEN IRRIGATION WITHIN THE PAST TEN YEARS BASED UPON A REVIEW OF HISTORICAL AERIAL PHOTOGRAPHY AND FIELD INVESTIGATIONS.

A DOMESTIC USE (DM1) AND A WELL (W3) HAVE BEEN CATALOGUED AND ARE REPORTED IN VOLUME 8.

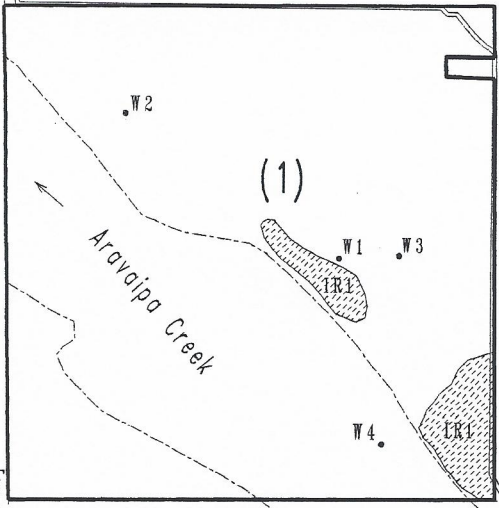
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ATTACHMENT B

To Aravaipa Wilderness Boundary

06

T 7 S
[115-05-AC]

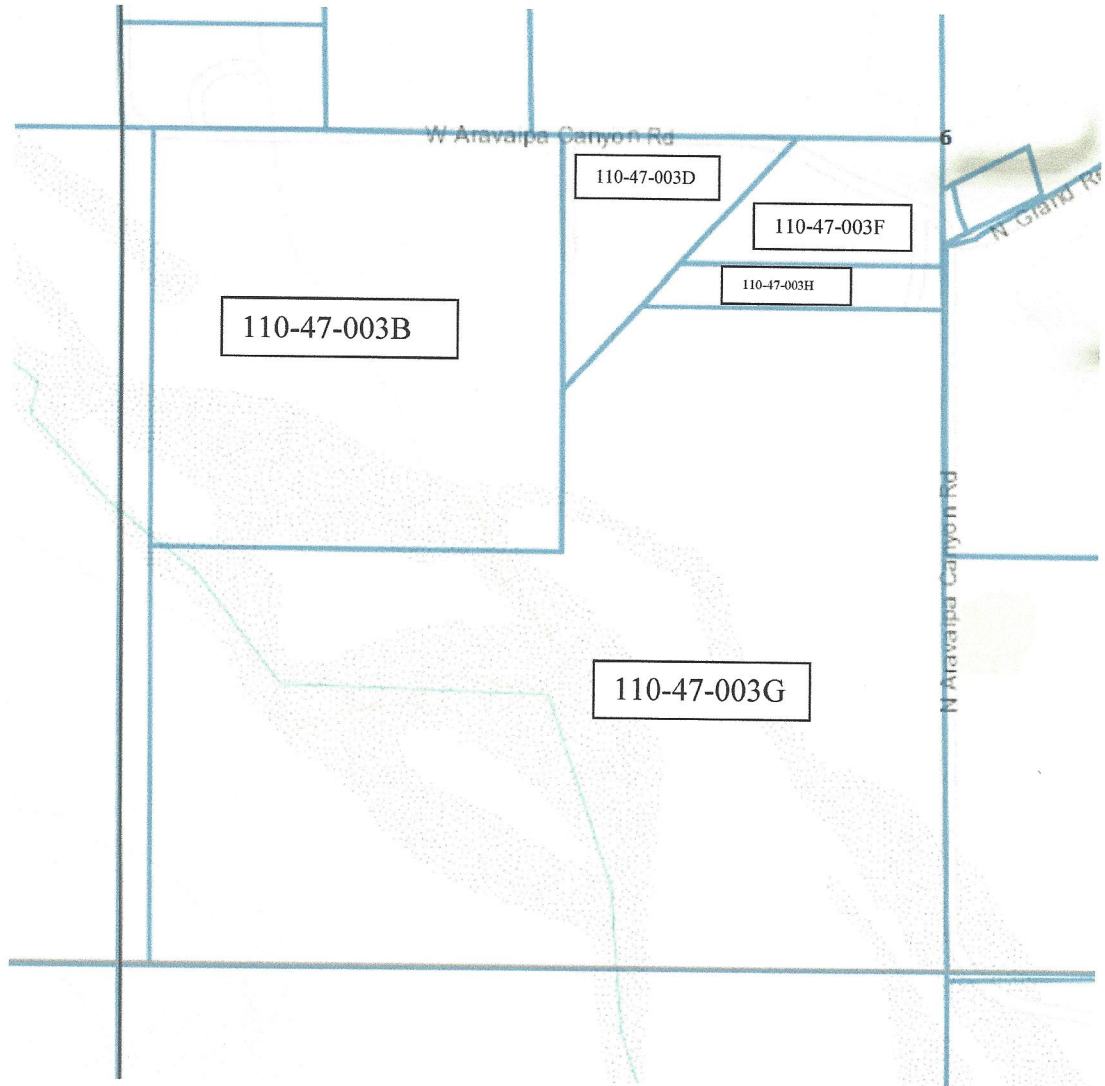


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N. 100th Rd.

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

Gary Wayne Edwards Sr.
10610 E. Boulder Dr.
Apache Junction, AZ 85120

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

Gregory J. Larson
The Larson Education Trust
9974 S. Margo Dr.
Tempe, AZ 85284

Joe P. Sparks and Laurel A. Herrmann
The Sparks Law Firm, P.C.

- 1 7503 First Street
Scottsdale, AZ 85251-4573
- 2 John A. Stoddard Jr.
- 3 232 E. Rosebud Dr.
- 4 San Tan Valley, AZ 85143
- 5 John A. Stoddard Jr.
- 6 37851 Klondyke Rd.
Willcox, AZ 85643
- 7 Margarito Lozoya
- 8 C/O Juan Lozoya
- 9 262 S. 3rd Ave.
La Puente, CA 91746
- 10 Margarito Lozoya
- 11 C/O Juan Lozoya
- 12 37671 Klondyke Road
Willcox, AZ 85643
- 13 S. Montgomery, R. Interpreter, J. Tomkus
- 14 Montgomery & Interpreter, Plc
- 15 3301 E. Thunderbird Road
Phoenix, AZ 85032
- 16 Salt River Valley Water Users Association and the 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
Phoenix, AZ 85016
- 20 Special Master Susan Ward Harris
- 21 Superior Court of Arizona
- 22 201 W. Jefferson Street
Courtroom 301
Phoenix, AZ 85003
- 23 Wilford H. and Sylvia J. Claridge
- 24 Wilford H. Claridge and Sylvia J. Claridge Revocable Living Trust
- 25 3563 W. 1st Ave.
Thatcher, AZ 85552
- 26
- 27 U. S. Department of Justice
- 28 Patrick Barry and Yosef Negose

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

Wilford H. Claridge
PO Box 183
Thatcher, AZ 85552