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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

CIVIL NO. W1-11-3318

ORDER TO INITIATE CONTESTED
CASE

CONTESTED CASE NAME: *In re Bowers*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: The Special Master initiates contested case W1-11-3318 to address objections to watershed file report 115-04-ADB-009.

NUMBER OF PAGES: 9.

DATE OF FILING: September 20, 2017.

This Order initiates a contested case to resolve objections to watershed file report 115-04-ADB-009 that sets forth potential water rights to Aravaipa Creek for domestic use and irrigation totaling less than two acres associated with a domestic use.

1 On June 25, 1980, Anthon G. Richardson filed Statement of Claimant 39-4326 claiming
2 rights to water for domestic and irrigation use. On October 19, 1988, Mr. Richardson
3 submitted a Uniform Questionnaire that included a diagram showing a domestic well and
4 identified the Aravaipa Creek as the source of water for a fruit tree orchard. In 1991 the
5 Arizona Department of Water Resources issued Watershed File Report 115-04-ADB-009
6 (WFR) as part of the San Pedro Hydrographic Survey Report. It listed potential water rights
7 for domestic use on SESWSW section 34 T6S R17E and irrigation use on NWNW section 3,
8 T7S, R17E and SWSW section 34 T6S R17E. A copy of the WFR is attached as Attachment
9
10 A.

11 On April 29, 2002, Anthon G. Richardson and Barbara L. Richardson as Trustees of
12 the Richardson Revocable Trust signed a Warranty Deed in favor of Edward C. Bowers and
13 Ruth C. Bowers for a parcel of land located in SWSW section 34 T6S R17E and in section 3,
14 T7S, R17E (the "Property"). Anthon G. Richardson assigned Statement of Claimant 39-4326
15 to Edward Bowers. On October 30, 2015, Edward C. Bowers and Ruth C. Bowers as
16 Trustees of the Bowers Living Trust dated May 11, 2006, signed a Warranty Deed in favor of
17 Russell L. Richardson and Sheila C. Richardson for the Property. The public records
18 maintained by the Arizona Department of Water Resources do not contain an assignment of
19 the Statement of Claimant to Russell L. Richardson and Sheila C. Richardson. Pre-Trial
20 Order No. 1, filed May 30, 1986 provided that successors in interest to individuals who filed a
21 Statement of Claimant shall automatically be substituted as parties. Thus, Russell L.
22 Richardson and Sheila C. Richardson are parties to this case.
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1 **IT IS ORDERED:**

2 1. Contested Case. This contested case shall be known as *In re Bowers* and it will
3 address the objections that were filed to the watershed file report 115-04-ADB-009 published
4 in the Final San Pedro River Watershed Hydrographic Survey Report (1991).

5
6 2. Litigants. The litigants in this contested case are the Claimants, Russell L.
7 Richardson and Sheila C. Richardson and all persons who filed objections to the listed
8 watershed file reports, who are included on Attachment B, and claimants who are allowed to
9 intervene by order.

10 3. Court-Approved Mailing List.

11 A. The initial Court-approved mailing list for this case is shown on
12 Attachment B to this order. The list may be modified only by filing a motion
13 with the Special Master to amend the Court-approved mailing list. Litigants are
14 responsible for using the current Court-approved mailing list.

15
16 B. A copy of any pleading filed with the Clerk of the Maricopa County
17 Superior Court in this case shall be served upon each person listed on the Court-
18 approved mailing list.

19
20 C. Claimants wishing to be added or removed from the mailing list shall file
21 a motion with the Special Master. Parties allowed to intervene will be
22 automatically added to the mailing list.

23 4. Courtesy Email List.

24 The Special Master's office will email courtesy copies of orders and minute
25 entries entered in this case to persons listed on Attachment B. Requests for
26 inclusions on the email list should be sent to Barbara Brown at

27
28 brownb099@superiorcourt.maricopa.gov.

1 An initial scheduling conference shall be held to determine the process to resolve the
2 objections made to the claims for water rights at issue on **October 24, 2017**, at 2:00 p.m.
3 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

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

11 
12 SUSAN WARD HARRIS
13 Special Master

13 On September 20, 2017, the original of the foregoing
14 was delivered to the Clerk of the Maricopa County
15 Superior Court for filing and distributing a copy to all
16 persons listed on the Court-approved mailing list for this
17 contested case.

17 
18 Barbara Brown

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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
RICHARDSON, ANTHON G.	115-04-ADB-009
& BARBARA L.	

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
36-0059979		IRRIGATION DOMESTIC STOCK	24.00	SWSW34	060S	170E	1916	SWSW34	060S	170E
39-0004326	QUE.RECD	IRRIGATION DOMESTIC	36.00 .18	SWSW34	060S	170E	1913	SWSW34	060S	170E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0059979	IRRIGATION DOMESTIC STOCK	IRRIGATION NOT APPLICABLE INCIDENTAL	PO1	OT001
39-0004326	IRRIGATION DOMESTIC	IRRIGATION DOMESTIC	PO1	DMOO1, OT001

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
PO1	SESWSW34	060S	170E	UNNAMED	SURFACE WATER: ARAVAIPA CREEK

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	CHANGE	FACILITY NAME
DMOO1	SESWSW34	060S	170E		GROUNDWATER : ZONE 1			
OT001	NWNW03	070S	170E	PO1	SURFACE WATER	1935	NO	YES

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	WATER SOURCES AND CLASSIFICATIONS
DMOO1	39-0004326	NONE		GROUNDWATER : ZONE 1 OF THE ARAVAIPA CREEK
OT001	39-0004326	36-0059979	1913 FILING 39-4326	SURFACE WATER: ARAVAIPA CREEK

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							
OT001	REGIONAL	1.3	AVE. CROP	50%	5.4 AF/AC	7.0 AFA	SEE VOLUME 1 - GENERAL ASSESSMENT

EXPLANATION

FILINGS AND DECREES
 FILING 36-59979 - CLAIMS A DOMESTIC WATER USE WHICH DOES NOT APPLY TO THIS PROPERTY.
 FILING 39-4326 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH PROVIDED ADDITIONAL INFORMATION ABOUT WATER USE AND DIVERSION LOCATIONS.

DIVERSIONS

P1 - INSTREAM PUMP DIVERTS WATER FROM ARAVAIPA CREEK INTO A PIPELINE.

USES AND RESERVOIRS

DM1 - DOMESTIC WATER USE INCLUDES STOCKWATERING USES.

OT1 - IRRIGATION TOTALING LESS THAN TWO ACRES ASSOCIATED WITH A DOMESTIC USE.

ATTACHMENT B

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Arizona Department of Water Resources
Janet L. Miller
P. O. Box 36020
Phoenix, Arizona 85067

Edward C. Bowers
Ruth C. Bowers
1611 East Harwell Road
Phoenix, AZ 85042

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

Russell L. Richardson
Sheila C. Richardson
17326 E Brooks Farm Road
Gilbert, AZ 85298

Salt River Valley Water Users Association and the 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

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

1 Yavapai-Apache Nation
2 Camp Verde Reservation
3 Susan B. Montgomery
4 Robyn L. Interpreter
5 Montgomery & Interpreter, PLC
6 3301 E. Thunderbird Road
7 Phoenix, AZ 85032

8 U. S. Department of Justice
9 R. Lee Leininger
10 Natural Resources Section
11 999 18th Street, So Terrace, Ste. 370
12 Denver, CO 80202

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