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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. W1-11-2676  
ORDER TO INITIATE CONTESTED  
CASE AND TO CONSOLIDATE

CONTESTED CASE NAME: *In re Dorene Wilson Trust*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.  
DESCRIPTIVE SUMMARY: The Special Master initiates contested case W1-11-2676 to address objections to watershed file report 113-12-021 and consolidates case with contested case no. **W1-11-2690**.  
NUMBER OF PAGES: 11.  
DATE OF FILING: April 4, 2018.

This Order initiates a contested case to resolve objections to watershed file report 113-12-021 (WFR), attached as Appendix A, that sets forth proposed water rights for stock watering uses for that land described as SENWNW 18 T11S R18E and SENE 30 T11S R18E. According to the public records maintained by the Pima County Recorder's Office, Pima

1 County acquired the property included in the WFR on December 18, 2012, pursuant to deeds  
2 numbered 20123530430 and 20123530437. The WFR lists the following statements of  
3 claimant as applicable to the two potential water rights for stock watering: 39-0002362, 39-  
4 0002768 and 39-0002771. According to the public records maintained by the Arizona  
5 Department of Water Resources, statements of claimant 39-0002362 and 39-0002768 were not  
6 assigned to Pima County. In it motion filed March 8, 2018, counsel for Pima County Regional  
7 Flood Control District confirmed that statement of claimant 39-0002768 had not been assigned  
8 to Pima County Regional Flood Control District. On December 14, 2012, Lois Kelly signed  
9 an assignment of statement of claimant 39-0002771 to Pima County and attached a copy of a  
10 Special Warranty Deed no. 20123530437 which included in the legal description of Parcel 7:  
11 “The Northwest quarter of the Northwest quarter of Section 18, Township 11 South, Range 18  
12 East of the Gila and Salt River Base and Meridian, Pima County, Arizona.” On that same date,  
13 Lois Kelly assigned statement of claimant 39-14734 which included a claim for stock watering  
14 on SENE 30 T11S R18E.

15 On September 14, 2015, Pima County Regional Flood Control District filed an  
16 amended statement of claimant 39-0002771 to claim domestic and stockpond use in the NW 18  
17 T11S R18E.

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20 **IT IS ORDERED:**

21 1. Contested Case. This contested case shall address the objections that were filed  
22 to the watershed file report 113-12-021 published in the Final San Pedro River Watershed  
23 Hydrographic Survey Report (1991).


24 2. Litigants. The litigants in this contested case are the landowner and all persons  
25 who filed objections to the listed watershed file reports and claimants who are allowed to  
26 intervene by order. Copies of the objections filed are attached as Appendix B.

27 3. Consolidated Case. This case shall be consolidated with contested case no. W1-  
28 11-2690.

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SUSAN WARD HARRIS  
Special Master

On April 4, 2018, 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 W1-11-2690.

  
Barbara K. Brown  
Barbara K. Brown

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**APPENDIX A**



LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
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WILSON, DORENE (TRUST)	113-12-021
% JACK & LOIS KELLY	

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

WI-11-2676

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
36-0018384		STOCK	.72				1906	NWNW18	110S	180E
38-0083334		STOCK		SESW07	110S	180E	1927	SESW07	110S	180E
		REC/FISH/WLDF								
39-0002362		STOCK	9.00	SESW07	110S	180E	1979	SESW07	110S	180E
39-0002768		STOCK	1.07	SENE30	110S	180E	1916	SENE30	110S	180E
39-0002771		STOCK	.72	NWNW18	110S	180E	1916	NWNW18	110S	180E
39-0007156		STOCK	9.00	SESW07	110S	180E	1927	SESW07	110S	180E
		REC/FISH/WLDF	.90							
		OTHER	64.00							
4A-0004914.0001	PERMIT	STOCK	.47	SESESE20	110S	180E	1971	SENE30	110S	180E
				SWSWSW21	110S	180E				
				NWNWNW28	110S	180E				

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0018384	STOCK	SPRING	SO1	SW001
38-0083334	STOCK	SPRING	SO1	
	WILDLIFE	SPRING		
39-0002362	STOCK	SPRING	SO1	SW001
39-0002768	STOCK	SPRING	SO2	SW002
39-0002771	STOCK	SPRING	SO1	SW001
39-0007156	STOCK	SPRING	SO1	
	WILDLIFE	SPRING		
	OTHER	NONAPPROPRIABLE		
4A-0004914.0001	STOCK	SPRING	SO2	SW002

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
SO1	SENWNW18	110S	180E	PECK SPRING	SURFACE WATER: SAN PEDRO RIVER
SO2	SENE30	110S	180E	EDGAR SPRING	SHARED SURFACE WATER: SAN PEDRO RIVER

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE	FACILITY NAME
SW001	SENWNW18	110S	180E	SO1	SURFACE WATER		NO	PECK SPRING
SW002	SENE30	110S	180E		SURFACE WATER		NO	EDGAR SPRING

SHARED USES AND DIVERSIONS

\*\* WATER FROM SO1 IS SHARED WITH THESE ADDITIONAL FILES:  
113-09-20

\*\* WATER FROM SO2 IS SHARED WITH THESE ADDITIONAL FILES:  
113-12-22

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
SW001	39-0002362 39-0002771 39-0007156	36-0018384 38-0083334	1906 FILING 36-18384	SURFACE WATER: SAN PEDRO RIVER
SW002	39-0002768	4A-0004914.0001	1971 FILING 4A-4914.0001	SURFACE WATER: SAN PEDRO RIVER

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
SW001							SEE VOLUME 1 - GENERAL ASSESSMENT
SW002							SEE VOLUME 1 - GENERAL ASSESSMENT

E X P L A N A T I O N

FILINGS AND DECREES

FILING 39-7156 - CLAIMS RAINFALL RETENTION AS AN "OTHER" WATER USE. RAINFALL RETENTION IS CONSIDERED TO BE A NONAPPROPRIABLE USE.

DIVERSIONS

S1 - DIVERSION FROM PECK SPRING PROVIDES WATER FOR STOCKWATERING USES IN W.F.R. #113-09-20.  
S2 - DIVERSION FROM EDGAR SPRING SUPPLEMENTS WATER FOR FOSSIL DAM RESERVOIR LOCATED IN W.F.R. #113-12-22.

USES AND RESERVOIRS

SW1 - STOCKWATERING USE FROM PECK SPRING.  
SW2 - STOCKWATERING USE FROM EDGAR SPRING.

SHARED USES AND DIVERSIONS

S1 - SPRING IS SHARED WITH W.F.R. #113-09-20.  
S2 - SPRING IS SHARED WITH W.F.R. #113-12-22.

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## APPENDIX B

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

RECEIVED MAY 10 1992

IN RE THE GENERAL ADJUDICATION OF ALL RIGHTS TO USE  
WATER IN THE GILA RIVER SYSTEM AND SOURCE

No. W1,W2,W3 & W4

MANDATORY FORM FOR OBJECTIONS TO  
The Hydrographic Survey Report for  
The San Pedro River Watershed

Please file a separate objection for each Watershed File Report, Zone 2 Well Report or Catalogued Well Report. Objections to information contained in Volume 1 of the HSR can be stated on one objection form. Objections must be written. Use of this form, or a computer facsimile, is required. Objections must be received on or before May 18, 1992.

This objection is directed to Watershed  
File Report or Zone 2 Well Report No.

113 - 12 - 0021  
(please insert no.)

or Catalogued Well No.

W1-11-002676  
(please insert no.)

OBJECTOR INFORMATION

Objector's Name:

FLOYD LAONA BINGHAM FAMILY TRUST.

Objector's Address:

40 CO-TRUSTEE FIRST INTERSTATE BANK P.O. BOX 350 TUCSON, AZ.

Objector's Telephone No.:

(602) 792-5175

Attn: Ted Morrison

85702-0350

Objector's Watershed File Report or Zone 2 Well Report No. (if the Objector's claimed water rights are within the San Pedro River Watershed):

113 - 12 - 0021

Or Objector's Catalogued Well Number (if the Objector's claimed water rights appear only in Volume 8 of the HSR):

Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are located outside the San Pedro River Watershed):

39 - ~~002200~~

STATE OF

ARIZONA

COUNTY OF

PIMA

VERIFICATION

(must be completed by objector)

I hereby make this Objection. I certify that, if required, a copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_\_\_, postage prepaid and addressed as follows:

Name:

C. ANTONICK

Address:

4757 So. IRVING  
TUCSON, AZ. 85714

I declare under penalty of perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true based on my own personal knowledge, except those portions of the Objection which are indicated as being known to me on information and belief and, as to those portions, I believe them to be true.

First Interstate Bank of Arizona, N.A. as Co-Trustee  
Ted Morrison, Atty 5/17/92  
Signature of Objector or Objector's Representative

SUBSCRIBED AND SWORN to before me this 7<sup>th</sup> day of May 1992.

Betty J. Holtman

Notary Public for the State of ARIZONA

Residing at 15071. Stone Tucson, Az 85701

My commission expires My Commission Expires Oct. 6, 1995

(The above section must be completed if you object to another claimant's Watershed File Report, Zone 2 Well Report, or Catalogued Well Report. It does not need to be completed if you file an objection to your own Watershed File Report, Zone 2 Well Report, Catalogued Well Report; or to information contained in Volume 1 of the Hydrographic Survey Report.)

Objections must be filed with the Clerk of the Superior Court in and for Maricopa County, Maricopa County Courthouse Annex,  
3345 W. Durango Street, Phoenix, AZ 85009, on or before May 18, 1992.

RECEIVED  
MAY - 8 1992





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

Contested Case File: W111002676

MANDATORY FORM FOR OBJECTIONS TO  
The Hydrographic Survey Report for  
The San Pedro River Watershed

Please file a separate objection for each Watershed File Report, Zone 2 Well Report or Catalogued Well Report. Objections to information contained in Volume 1 of the HSR can be stated on one objection form. Objections must be written. Use of this form, or a computer facsimile, is required. Objections must be received on or before May 18, 1992. Objections must be filed with the Clerk of the Superior Court in and for Maricopa County, Maricopa County Courthouse Annex, 3345 W. Durango Street, Phoenix, AZ 85009.

This objection is directed to Watershed  
File Report or Zone 2 Well Report No.

113-12-021

or Catalogued Well No.

(please insert no.)

(please insert no.)

OBJECTOR INFORMATION

Objector's Name:  
United States of America

Co-Objector's Name:  
Gila River Indian Community  
c/o Cox & Cox

Co-Objector's Name:  
San Carlos Apache Tribe; Tonto  
Apache Tribe; Yavapai-Apache Indian  
Community; Camp Verde Reservation  
c/o Sparks & Siler, P.C.

Objector's Address:  
601 Pennsylvania Ave.  
Washington, D.C. 20004

Co-Objector's Address:  
Suite 300 Luhrs Tower  
Phoenix, AZ 85003

Co-Objector's Address:  
7503 First Street  
Scottsdale, AZ 85251

Objector's Telephone No.:  
(202) 272-4059 / 272-6978

Co-Objector's Telephone No.:  
(602) 254-7207

Co-Objector's Telephone No.:  
(602) 949-1998

Objector's Watershed File Report or Zone 2 Well Report No. (if the Objector's claimed water rights are within the San Pedro River Watershed):

111-19-009

Or Objector's Catalogued Well Number (if the Objector's claimed water rights appear only in Volume 8 of the HSR):

Or Objector's Statement of Claimant No. (if the Objector's claimed water rights are located outside the San Pedro River Watershed):

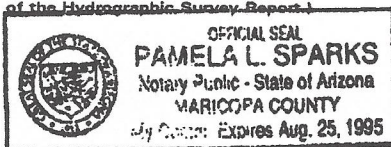
39-11-05478	39-05-41142	39-07-12652	39-07-12676	39-05-50058	39-07-12169
39-U8-60083	39-L8-36340	39-L8-37360	39-U8-63614	39-07-12675	39-05-50059

STATE OF ARIZONA  
COUNTY OF MARICOPA

I hereby make this Objection. I certify that, if required, a copy of the foregoing Objection was served upon the following Claimant(s) by mailing true and correct copies thereof on the 18<sup>th</sup> day of May, 1992, postage prepaid and addressed as follows:

113-12-021  
Name: WILSON, DORENE (TRUST)  
% JACK & LOIS KELLY  
Address: REDINGTON HCR BOX 900  
BENSON AZ 85602

(The above section must be completed if you object to another claimant's Watershed File Report, Zone 2 Well Report, or Catalogued Well Report. It does not need to be completed if you file an objection to your own Watershed File Report, Zone 2 Well Report, Catalogued Well Report, or to information contained in Volume 1 of the Hydrographic Survey Report.)



VERIFICATION (must be completed by objector)

I declare under penalty of perjury that I am a claimant in this proceeding or the duly-authorized representative of a claimant; that I have read the contents of this Objection (both sides and any attachments) and know the contents thereof; and that the information contained in the Objection is true based on my own personal knowledge, except those portions of the Objection which are indicated as being known to me on information and belief and, as to those portions, I believe them to be true.

Gary B. Randall  
Signature of Objector or Objector's Representative

Alfred A. Cox  
Signature of Co-Objector or Co-Objector's Representative

[Signature]  
Signature of Co-Objector or Co-Objector's Representative

SUBSCRIBED AND SWORN to before me this 7 day of May, 1992.

Pamela L. Sparks

STATEMENT OF THE OBJECTION

The following are the main categories of the typical Watershed File Report (Zone 2 Well Reports and some Watershed File Reports lack certain categories). Please check the category(ies) to which you object, and state the reason for the objection on the back of this form.

- 1. I object to the description of Land Ownership.
- 2. I object to the description of Applicable Filings and Decrees.
- 3. I object to the description of DWR's Analysis of Filings and Decrees.
- 4. I object to the description of Diversions for the claimed water right(s).
- 5. I object to the description of Uses for the claimed water right(s).
- 6. I object to the description of Reservoirs used for the claimed water right(s).
- 7. I object to the description of Shared Uses & Diversions for the claimed water right(s).
- 8. I object to the PWR (Potential Water Right) Summary of the claimed water right(s).
- 9. I object to the description of Quantities of Use for the claimed water right(s).
- 10. I object to the Explanation provided for the claimed water right(s).
- 11. Other Objections (please state volume, page and line number for each objection).

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REASON FOR OBJECTION

The reason for my objection is as follows (please number your objections to correspond to the boxes checked above; please attach supporting information and additional pages as necessary):

- 2. The amount claimed, as described by ADWR, exceeds a reasonable amount required for beneficial use. (SM 478)

The statement of claimant lists a use not verified by DWR. (SM 478)

The use of water listed under this Watershed File Report is challenged because it interferes with downstream federal reserved rights and is contrary to state and federal law. (SM 560)

- 4. The diversion is not associated with a POU. It may be unused, discontinued or not applicable and should not be assigned a water right. (SM 600)
- 8. The use of water listed under this Watershed File Report is challenged because it interferes with downstream federal reserved rights and is contrary to state and federal law. (SM 560)