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10-16-17  
MICHAEL K. JEANES, Clerk  
By Maamer  
Deputy

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6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
7 IN AND FOR THE COUNTY OF MARICOPA  
8

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

No. W-1 (Salt)  
No. W-2 (Verde)  
No. W-3 (Upper Gila)  
No. W-4 (San Pedro)  
SPECIAL MASTER'S REPORT:  
(CORRECTED) RECOMMENDATION  
TO GRANT SUMMARY JUDGEMENT  
AND ENTER A PRELIMINARY  
INJUNCTION

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15  
16 HSR INVOLVED: None

17 DESCRIPTIVE SUMMARY: The Special Master determined that: (1) a strong likelihood  
18 exists that objections to the Rogers' and Scheiers' claims for irrigation water rights from the O.K.  
19 Ditch for Lots 2 and 3, respectively, of River Ranch Estates located in Section 3, T14N, R4E of  
20 the Gila and Salt River Basin and Meridian will succeed in the adjudication on the merits; and,  
21 (2) the possibility of irreparable harm exists. This Report, originally filed October 3, 2017, is  
22 corrected to eliminate typographical errors; the caption has been revised to identify that this case  
is part of *In Re the General Adjudication of All Rights to Use Water in the Gila River System and  
Source.*

23 NUMBER OF PAGES: 14

24 DATE REPORT (CORRECTED) FILED: October 16, 2017

25  
26 In 2004, Salt River Project Water Agricultural Improvement and Power District ("SRP")  
27 filed an Application for an Order to Show Cause and requested a preliminary injunction against six  
28

1 owners<sup>1</sup> of subdivided lots in the River Ranch Estates located in Section 3, T14N, R4E of the Gila  
2 and Salt River Basin and Meridian to enjoin them from diverting water from the O.K. Ditch for  
3 irrigation purposes. It asserted that the landowners had no right to the water and the diversion of  
4 water caused SRP irreparable harm. During the past 13 years, SRP has litigated or otherwise  
5 resolved its disputes with the named River Ranch Estates landowners other than the owners of Lot  
6 2 and Lot 3, the current owners of which are Richard E. and Michele D. Rogers<sup>2</sup> (collectively  
7 “Rogers”) and David J. Scheier and Elizabeth G. Latham-Scheier<sup>3</sup> (collectively “Scheiers”),  
8 respectively.  
9

10 On May 4, 2017, SRP filed for summary judgment. The Rogers and Scheiers filed their  
11 Responses on June 1, 2017. On July 12, 2017, oral argument was held on SRP’s motion and on  
12 July 29, 2017, SRP supplemented the record to which the Rogers and Scheiers responded on  
13 August 10, 2017.  
14

15 **I. Issues Presented**

16 The scope of this case is limited. This is a case for injunctive relief and not an adjudication  
17 of water rights. An adjudication will occur when the statutory prerequisites of a general  
18 adjudication have been fulfilled. For example, Arizona Department of Water Resources (ADWR)  
19 must prepare a technical report that analyzes claimed water rights in the Verde River system and  
20 source before the initiation of contested cases to determine specific water rights. A.R.S. §45-256.  
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22 <sup>1</sup> Named in the Application were: Kovacovich Investment Ltd. Partnership, Wiertzma Family Trust, Jim and  
23 Linda Wyman, Myron Ray and First American Title Trust 4693. In October 2004, SRP substituted Justin J. and  
24 Chelise C. Largent, David M. and Diane F. Kober, and Jerry D. and Shawn L. Stryker for First American Title Trust  
4693.

25 <sup>2</sup> In 2011 SRP moved to substitute Fahn Enterprises, Inc. as the successor in interest to Jerry and Shawn  
26 Stryker as the owner of Lot 2. In 2012 Richard E. and Michele D. Rogers acquired the property and SRP moved to  
27 substitute them into this action as the successors in interest to Fahn Enterprises, Inc.

28 <sup>3</sup> Myron Ray was originally named as a party in the case as the owner of Lot 3 of River Ranch Estates. In  
2011, following the sale of Lot 3 to David J. Scheier and Elizabeth G. Latham-Scheier, the court granted SRP’s motion  
to substitute David J. Scheier and Elizabeth G. Latham-Scheier in place of Myron Ray.

1 Once the statutory requirements have been met and due notice given will the Special Master and  
2 the court will take the action necessary to adjudicate the claims for water rights filed by the Rogers  
3 and Scheiers with ADWR. A.R.S. §45-257.

4 This case also does not concern domestic water rights for the Rogers' and Scheier's  
5 properties. Domestic water rights are not at issue. According to an Application for a Water  
6 Adequacy Report for River Ranch Estates signed by Steve Caughran, groundwater was intended to  
7 satisfy the projected water demand for the lots in the River Ranch Estates subdivision. Application  
8 dated May 9, 1996, attached as Exhibit A to SRP's Response to the Responsive Statement of Facts  
9 of David J. Scheier and Elizabeth G. Latham-Scheier, filed June 29, 2017. On June 28, 1996,  
10 ADWR reported that wells on the individual lots would provide water for domestic use for the  
11 owners of the lots in River Ranch Estates. *Id.*

12 Finally, this case does not concern all water to be diverted from the Verde River through  
13 the O.K. Ditch to irrigate the Rogers' property. In its supplement to the record in this case, SRP  
14 specifically identified that portion of the Rogers' property for which it does not seek to enjoin the  
15 use of river water for irrigation purposes. It described that approximately one-half acre of land not  
16 at issue as the: "North 206 feet of the West 112.5 feet of said LOT 2, as measured perpendicular to  
17 the North and West lines of said LOT 2, containing 0.53 acres of land, more or less." Salt River  
18 Project's Supplement to the Record, filed July 31, 2017. Consequently, this case only addresses  
19 the Rogers' right to irrigate the remaining 1.08 acres (1.61 – 0.53) of Lot 2. None of the  
20 following findings of fact or conclusions of law shall apply to the 0.53 acres of Lot 2 described by  
21 SRP. For purposes of simplicity, all further references to Lot 2 shall only pertain to the 1.08 acres  
22 remaining outside the land described by SRP.

23 The issues that must be considered in this case are dictated by the relief requested by SRP.  
24 A party seeking a preliminary injunction must demonstrate that a strong likelihood exists that it  
25 will prevail on the merits. Thus, SRP must establish that a strong likelihood exists that the Rogers  
26 and Scheiers do not have valid claims for irrigation water rights from the O.K. Ditch for Lots 2 and  
27 3, respectively, of River Ranch Estates. In addition, SRP must demonstrate the additional elements  
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1 required in an action for a preliminary injunction: the possibility of irreparable injury not  
2 remediable by damages if the requested relief is not granted; the balance of hardships favors the  
3 moving party; and public policy favors a grant of the injunction. *Shoen v. Shoen*, 167 Ariz. 58, 63,  
4 804 P.2d 787, 792 (App.1990). “A court applying this standard may apply a “sliding scale.” *Smith*  
5 *v. Ariz. Citizens Clean Elections Comm'n*, 212 Ariz. 407, 410, ¶ 10, 132 P.3d 1187, 1190 (2006). In  
6 other words, “the moving party may establish either 1) probable success on the merits and the  
7 possibility of irreparable injury; or 2) the presence of serious questions and [that] ‘the balance of  
8 hardships tip[s] sharply’ in favor of the moving party.” *Id.* at 411, ¶ 10, 132 P.3d at 1191 (citing  
9 *Shoen*, 167 Ariz. at 63, 804 P.2d at 792).” *Arizona Ass'n of Providers for Persons with*  
10 *Disabilities v. State*, 223 Ariz. 6, 12, 219 P.3d 216, 222 (Ct. App. 2009).

## 11 12 **II. Standard for Summary Judgment**

13 Based on its contention that no material issues of fact exist in this case, SRP moved  
14 forward to prove its entitlement to a preliminary injunction through a motion for summary  
15 judgment rather than in an evidentiary hearing. The “court shall grant summary judgment if the  
16 moving party shows that there is no genuine dispute as to any material fact and the moving party is  
17 entitled to judgment as a matter of law.” Rule 56(a), Ariz R. Civ. P. As the moving party, SRP  
18 has the burden of showing that no genuine issue of material fact exists. *Schwab v. Ames*  
19 *Construction*, 207 Ariz. 56, ¶ 15, 83 P.3d 56 (App. 2004). Once SRP meets its initial burden, the  
20 burden shifts to the Rogers and Scheiers to present sufficient evidence establishing that a genuine  
21 dispute exists as to a material fact and “point out ignored or overlooked evidence or explain why  
22 the motion should otherwise be denied”. *Gullett on behalf of Estate of Gullett v. Kindred Nursing*  
23 *Centers W., L.L.C.*, 241 Ariz. 532, 540–41, 390 P.3d 378, 386–87 (Ct. App. 2017). A motion for  
24 summary judgment should not be denied “simply on the speculation that some slight doubt (and  
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few cases have complete certainty), some scintilla of evidence, or some dispute over irrelevant or

1 immaterial facts might blossom into a real controversy in the midst of trial.” *Orme Sch. v. Reeves*,  
2 166 Ariz. 301, 311, 802 P.2d 1000, 1010 (1990).

### 3 4 **III. Claims for Water Rights Appurtenant to Lots 2 and 3**

#### 5 **a. Location of Properties**

6 No dispute exists that the Final Plat for the River Ranches Estate provides the correct legal  
7 descriptions for Lots 2 and 3. Final Plat River Ranch Estates attached as Exhibit B to Statement  
8 of Facts in Support of Salt River Project’s Motion for Summary Judgement; Exhibit H to Rogers’

9 Response dated June

10 1, 2017; Exhibit A to

11 Scheiers’ Objections

12 to SRP’s Supplement

13 to the Record, dated

14 August 10, 2017

15 (“the Final Plat”).

16 As shown in *figure*

17 1, the Final Plat

18 illustrates the

19 northern portion of

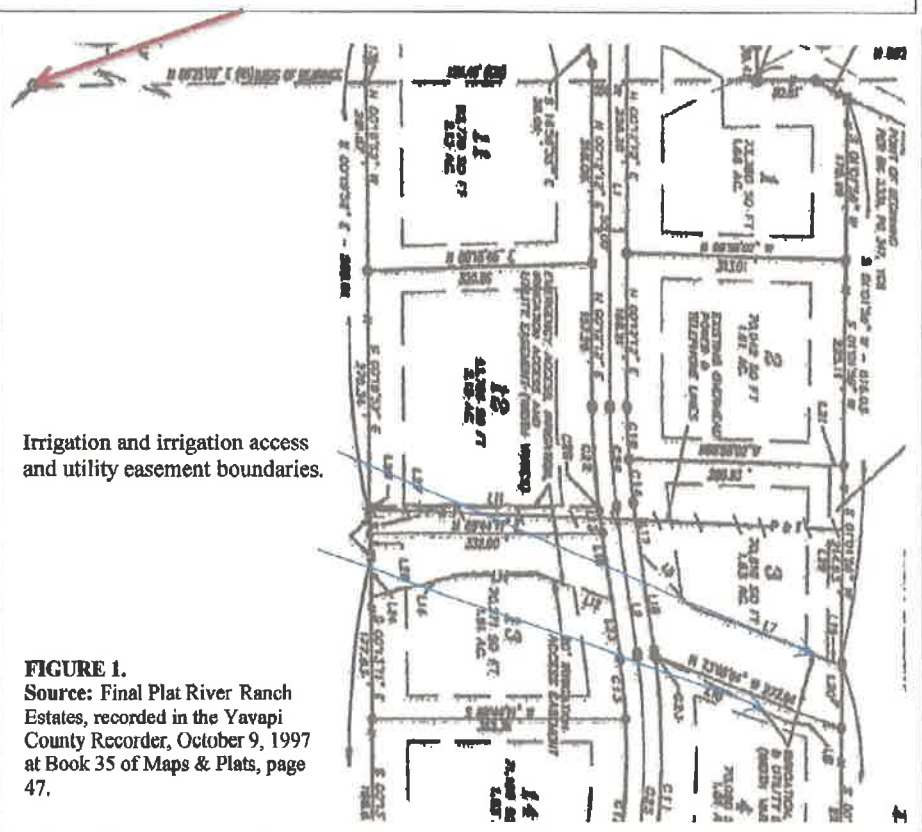
20 the River Ranch

21 Estates that includes

22 the easement for the

23 O.K. Ditch.

Northwest corner of the southwest quarter of the northeast quarter of Section 3, T14N, R4E.



1           **Finding of Fact No. 1:** The Rogers and Scheiers currently own Lot 2 and Lot 3, respectively,  
2 of River Ranch Estates. These lots are located in the southwest quarter of the northeast quarter  
3 Section 3, T14N, R4E of the Gila and Salt River Basin and Meridian.

4           **Finding of Fact No. 2:** Lot 2 is located north of the O.K. Ditch. The northern border of Lot 3  
5 is north of the O.K. Ditch and the southern border of Lot 3 lies within or on the easement for the  
6 O.K. Ditch. *Id.*

7  
8           **b. Claims for Water Rights**

9           Arizona law provides that “[t]he water of all sources, flowing in streams, canyons, ravines  
10 or other natural channels, or in definite underground channels, whether perennial or intermittent,  
11 flood, waste or surplus water, and of lakes, ponds, and springs on the surface, belong to the public  
12 and are subject to appropriation and beneficial use”. A.R.S. §45-141(A). Prior to 1919, the two  
13 methods to appropriate water required either the posting of notice, a filing with the county recorder  
14 and beneficial use of the water or simply applying the water for a beneficial use. *Parker v.*  
15 *McIntyre*, 47 Ariz. 484, 56 P. 2d 1337 (1936). In 1919 the state adopted a new water code after  
16 which time “it was no longer possible to appropriate water under the law of Arizona for the  
17 purpose of irrigation by its mere beneficial use for that purpose upon land. Certain formalities  
18 were required to initiate and perfect the right.” *Tattersfield v. Putnam*, 45 Ariz. 156, 174, 41 P. 2d  
19 228, 235 (1935).

20  
21           In its motion, SRP contends that Lots 2 and 3 do not have appurtenant historic water rights  
22 arising from pre-1919 appropriation. The Rogers and Scheiers respond that they have rights to  
23 water from the O.K. Ditch for irrigation use based on the historic water use appropriated by  
24 Preston W. Burford prior to 1919. Scheiers’ Response, p. 2, ¶1; Rogers’ Response, p. 2, ¶5.  
25 They submitted a 1940 report titled “Irrigation on Upper Verde River Watershed from Surface  
26 Waters” by T. A. Hayden (“Hayden Report”). Scheiers’ Response, p. 2 ¶ 12; Rogers’ Response  
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1 p. 2, ¶ 5. The Hayden Report and portions of the Hayden Report are attached to the Rogers'  
2 Response as Exhibits B and M and to the Scheiers' Response as Exhibit I.

3 The Hayden Report analyzes the construction dates for the O.K. Ditch and concludes that  
4 all priority dates for water use from the ditch predate 1919. The Hayden Report also identifies  
5 prior reports that investigated the land using water from the O.K. Ditch as follows:

6  
7 Phelps survey in 1920 gave 511.4 acres, including 36 acres  
8 above the ditch to which water pumped.

9 I found no change in 1925.

10 In 1940 I found some of the old pumped area abandoned and  
11 other land substituted but very little material change in the aggregate.

12 The larger areas given in some of the earlier reports must be  
13 taken as estimates only, since the physical conditions – river bottom  
14 on one side and steep land on the other - limit the area to that shown  
15 on the actual surveyed by Latimer, Phelps and later by the U.S.  
16 Bureau of Reclamation in 1934, as checked by me and given by the  
17 tabulation following.

18 Hayden Report, Sheet 1 of 3.

19 The tabulation referenced above includes a list of legal descriptions of irrigated land  
20 located in six separate sections, the source of the irrigation water, the date the land was first  
21 cultivated, and the name and date associated with any recorded filings. As accurately highlighted  
22 by Rogers, the tabulation includes an entry by P.W. Burford for water for irrigation use in the  
23 southwest quarter of the northeast quarter of Section 3, T14N, R4E. According to the table, P.W.  
24 Burford appropriated water for irrigation use beginning in 1873 for 20.6 acres in the southwest  
25 quarter of the northeast quarter of Section 3, T14N, R4E. The accuracy of this entry is not  
26 disputed by SRP. Instead, it argues that the entry does not prove that the land now known as Lots  
27 2 and 3 received water for irrigation purposes diverted from the O.K. Ditch.  
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1 The symbol “+” used on the Phelps Survey marks the midpoint of the western and southern borders  
2 of Section 3. As a result, the southwest quarter of the northeast quarter of Section 3 can be  
3 identified on the Phelps Survey. The notation “20.6,” consistent with the Hayden Report, can be  
4 found in the southwest quarter of the northeast quarter of Section 3. The Phelps Survey shows  
5 almost all of the land located in the southwest quarter of the northeast quarter Section 3 south of  
6 the O.K. Ditch divided into parcels and labelled by number of acres. *See figure 2.* To the north  
7 of the O.K. Ditch, the Phelps Survey contains the comment “Mostly cleared – not cultivated,” with  
8 arrows pointing to a 7.21 acre parcel and a rectangular .094 acre area identified as an orchard. The  
9 Phelps Survey also shows a drawing of three squares in an area bounded on the south by the O.K.  
10 Ditch shown by a bold line moving southeast and bounded on the north by a dashed property line  
11 also angled to the southeast. The roughly parallel lines of the property boundary and the O.K.  
12 Ditch can also be seen on the Final Plat shown in Figure 1.  
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14  
15 The Phelps Survey identified the owner of the land in the southwest quarter of the northeast  
16 quarter of Section 3 as C.B. Coulson. A 1921 diagram referred to as “Field Notes” classifies the  
17 land use of the property at issue by type of crop grown according to the sworn affidavit of Gregory  
18 Kornumph submitted by SRP. Statement of Facts In Support of Salt River Project’s Motion for  
19 Summary Judgment, Exhibit 1. The Field Notes show all land south of the O.K. Ditch and north of  
20 the Verde River as under cultivation. It also identifies an orchard north of the O.K. Ditch which is  
21 estimated as 1 acre in size. Unlike the Phelps Survey that reported the northeastern portion of the  
22 land north of the O.K. Ditch as not cultivated, the Field Notes indicate that three acres were planted  
23 in milo, a drought resistant grain sorghum. *Webster’s New Collegiate Dictionary* 731 (1973).  
24 Relevant to this case, the Field Notes, like the Phelps Survey, show all land east and south of the  
25 orchard and north of the O.K. Ditch as “Idle Ground”. In that area the Field Notes include two  
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1 squares identified as houses and a third square to the east of houses as a barn. Statement of Facts  
2 in Support of Salt River Project's Motion for Summary Judgment, Exhibit 1.

3 The Rogers and Scheiers challenge the Phelps Survey on the grounds that it is only a  
4 "snapshot in time". Rogers' Response, p. 2, ¶ 9; Scheiers' Response, p. 2, ¶3. While it is true  
5 that a survey should only reflect the facts existing at the time it was prepared, the Phelps Survey as  
6 it pertains to the description of the land used for the area now included in Lots 2 and 3 is not  
7 inconsistent with historical records or contemporary records. The P.W. Butrell claim establishes  
8 that approximately one half of the southwest quarter of the northeast quarter was not irrigated.  
9 The 1921 Field Notes show more of the land in that quarter section irrigated than claimed  
10 by P.W. Butrell or shown in the Phelps Survey, i.e., the three acres of milo, but it also labels the  
11 land at issue as not cultivated. The 1940 Hayden Report confirms the accuracy of the Phelps  
12 Survey as of 1925.  
13

14 The Rogers also argue that the absence of crops does not equate to the absence of water  
15 rights for irrigation use. Speculation that the land immediately under and surrounding the historic  
16 homesites and barn was irrigated is not sufficient to create a disputed material issue of fact. *Orme*  
17 *Sch. v. Reeves*, 166 Ariz. at 311, 802 P.2d at 1010. In summary, no evidence has been submitted  
18 by the Rogers or Scheiers to demonstrate that prior to 1919, the entire southwest quarter of the  
19 northeast quarter of section 3 was irrigated or more relevantly, that any irrigation occurred in the  
20 areas immediately surrounding the living areas or the barn or east of the orchard.  
21

22 Thus, the sole historically irrigated area that affects Lots 2 and 3 is the historic orchard  
23 consisting of 0.94 acre, according to the Phelps Survey, or 1 acre, according to the Field Notes.  
24 Rogers contends that the Phelps Survey is not sufficiently accurate to determine the location of the  
25 orchard vis-a-vis the 1.63 acres included in Lot 2. Based on its supplement, SRP used its best  
26 efforts to make such a determination and concluded that Lot 2 covered .053 acres of the orchard.  
27  
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1 Rogers does not provide any evidence or documents that support a conclusion that a greater  
2 amount of the orchard area should be allocated to Lot 2 rather than to a neighboring lot. The  
3 Scheiers do not contend that Lot 3 includes any portion of the orchard. Instead, they contest SRP's  
4 description of the southern boundary of their property. According to the Final Plat, the southern  
5 boundary of Lot 3 does not extend south of the easement for the O.K. Ditch.

6  
7 **Conclusion of Law No. 1.** A strong likelihood exists that objections to claims for historic  
8 water rights to divert water from the O.K. Ditch for irrigation of Lots 2 and 3 will succeed.

9  
10 **c. Water Rights Based on a Permit or a Severance and Transfer**

11 In its motion, SRP further argues that the Rogers and Scheiers have not acquired any water  
12 rights for irrigation water from the O.K. Ditch after 1919. It attached an affidavit of Gregory S.  
13 Kornrumph, the Manager of Water Rights for SRP, in support of its position. Mr. Kornrumph  
14 avows that based upon "a search of the records maintained by ADWR, neither Defendants nor their  
15 predecessors in interests have applied for an appropriative water right after 1919 or been the  
16 recipient of a severance and transfer of a valid water right from any other appropriator."  
17 Kornrumph Affidavit, dated May 1, 2017, attached as Exhibit 1 to Statement of Facts in Support of  
18 Salt River Project's Motion for Summary Judgment (Kornrumph Affidavit). While conclusory  
19 statements will not suffice, the moving party, i.e., SRP, need not affirmatively establish negative of  
20 element. *Orme Sch. v. Reeves, supra.*

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22  
23 Given their consistent positions that they are entitled to historic water rights, it is not clear  
24 whether the Rogers and the Scheiers claim that they or their predecessors in interest acquired post-  
25 1919 water rights.<sup>4</sup> In their Responses, the Rogers and Scheiers cite to and attach a Statement of

26  
27 <sup>4</sup> The copy of the second amendment of Statement of Claimant 39-141335 submitted by the Rogers only  
28 identified pre-1919 appropriation rights as the basis of their claim to access water from the O.K. Ditch.

1 Claim filed by the O.K. Ditch Company, a Statement of Claimant signed by L.C. Caughran, a  
2 predecessor in interest, and attach an affidavit from the manager of the developer of River Ranch  
3 Estates concerning his intentions concerning the use of surface water appurtenant to the subdivided  
4 land.

5 **Conclusion of Law No. 2.** Statements of Claim and Statements of Claimants are claims  
6 for water rights; they are not permits issued by the State to appropriate water.

7 **Conclusion of Law No. 3.** The developer's affidavit regarding the intended allocation of  
8 water rights does not constitute a valid severance and transfer of water rights.

9 **Conclusion of Law No. 4.** The Rogers and Scheiers have not produced documents that  
10 constitute a permit for water use or demonstrated the existence of a valid severance and transfer of  
11 water rights from other land pursuant to A.R.S. §45-172.  
12

13  
14 **IV. Possibility of Irreparable Harm**

15 In its Statement of Facts, SRP alleges it and its shareholders are incurring damage due to  
16 the landowners' diversion and use of water from the Verde River System. Statement of Facts in  
17 Support of Salt River Project's Motion for Summary Judgment, p. 2, ¶1. It submitted aerial  
18 photographs taken in 2007 and on May 25, 2011 to show that Lot 2 and Lot 3 had received  
19 irrigation water. It also attached the Kornrumph Affidavit stating that the properties had "been  
20 receiving water for irrigation purposes in recent times". *Id.* at Exhibit 1, p. 3, ¶ 9. Neither the  
21 Rogers nor the Scheiers argue that a taking of the water would not cause irreparable harm. Instead,  
22 the Rogers state that they acquired Lot 12 in February 2012 and they have not irrigated their land  
23 with water from the O.K. Ditch. Rogers' Response, p. 2-3, ¶¶ 1, 12. The Scheiers state that they  
24 acquired their property in 2011 and, at least implied, that they have not used the contested water  
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1 for irrigation. Scheiers' Response, p. 2, ¶4. No evidence was submitted by SRP to demonstrate  
2 that either the Rogers or the Scheiers had diverted water from the O.K. Ditch.

3 The reason for the absence of diversion in each case appears to arise out of the pendency of  
4 this case. The Scheiers state that "[i]t is now been over five year we have been denied our use to  
5 ditch water". Scheiers' Response, p. 2, ¶4. Similarly, the Rogers cite this case as the reason for  
6 not having used water from the O.K. Ditch: "We have not been using water from the O.K. Ditch  
7 for any purpose due to being denied ditch water because of the cease and desist order."<sup>5</sup> Rogers'  
8 Response, p. 1.

9  
10 **Finding of Fact No. 3:** The Rogers and Scheiers are not using water from the O.K. Ditch  
11 as a result of SRP's action to obtain a preliminary injunction.

12 At oral argument, SRP represented that it would be would terminate this action upon  
13 receipt of an agreement from the Rogers and the Scheiers that they will not use water from the  
14 O.K. Ditch until their water rights are adjudicated. Such as agreement should not affect the  
15 Rogers' diversion of water from the O.K. Ditch to irrigate the 0.53 acre of land that SRP expressly  
16 stated is not part of this action.


17  
18 Given that SRP must only show a possibility of harm where there is a substantial likelihood  
19 of success on the merits, it is recommended that in the absence of an agreement from the Rogers  
20 and Scheiers not to divert water from the O.K. Ditch until their water rights are adjudicated, the  
21 court adopt the Findings of Fact and Conclusions of Law set forth above, grant SRP's Motion for  
22 Summary Judgment and grant the relief requested in accordance with the provisions of Rule 65,  
23 Ariz. R. Civ. P.  
24

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26  
27 <sup>5</sup> Although SRP's action to obtain a preliminary injunction has been pending during the entire period that the  
28 Rogers have owned Lot 2, a cease and desist order has not been issued against them in this case.

1 It is further recommended that no injunction should be issued against the Rogers to prevent  
2 the Rogers from diverting water from the O.K. Ditch to irrigate that 0.53 acre of land described on  
3 page 3 of this Report.

4 **V. Objections**

5 Objections to the Special Master's Report dated October 3, 2017, shall be due on or by  
6 December 4, 2017. Responses shall be filed by January 3, 2018. No replies shall be filed.  
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10   
11 Susan Ward Harris  
12 Special Master

13  
14 On October 3, 2017, the original of the  
15 foregoing was mailed to the Clerk of the  
16 Maricopa County Superior Court for filing  
17 and distributing a copy to all persons listed  
18 on the Court approved mailing list for the  
19 Applications of the Salt River Project.  
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