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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. W1-11-0405

ORDER TO INITIATE CONTESTED CASE

AND

ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re Inca Investment Limited Partnership*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey WFR  
DESCRIPTIVE SUMMARY: Case initiated and status conference set for **October 27, 2022 at 1:45 p.m.**  
NUMBER OF PAGES: 14  
DATE OF FILING: September 19, 2022

**General Explanation**

This Order begins the process necessary to adjudicate claims made for rights to appropriable water for use on land that the Cochise County Assessor has identified as owned by Hayhook LLC. This contested case is one of the many cases in the General Stream Adjudication for the San Pedro River watershed to determine legal rights to water. Other cases in which

1 claims have been made for legal rights to water in the San Pedro River watershed have been  
2 completed, are in the process of determining water rights, or are awaiting initiation. The purpose  
3 of the General Adjudication is to determine the rights of those persons who filed statements of  
4 claimant for rights to use appropriable water in the San Pedro River Watershed. The General  
5 Adjudication will also determine water rights in the Upper Salt, Verde, Upper Gila, Lower Gila,  
6 Agua Fria, and Upper Santa Cruz watersheds.

7  
8 In this case, Roland M. Pyeatt filed a Statement of Claim on June 27, 1979 for water for  
9 use on land in SESW Section 6 Township 21S Range 20E. No Statement of Claimant was filed.  
10 The Arizona Department of Water Resources (“ADWR”) investigated the Statement of Claim as  
11 well as an earlier filing, which it characterized as claims for irrigation, domestic, and stock-  
12 watering uses, and prepared a report known as Watershed File Report No. 111-20-CB-008  
13 (“WFR”) published in the Final San Pedro River Watershed Hydrographic Survey WFR (1991).  
14 A copy of the WFR is attached as Attachment A. The Arizona Department of Water Resources  
15 did not generate a map for the land investigated.

16  
17 The WFR found no use of water on the land and no sources of water for use on the land.  
18 After ADWR issued the WFR, objections were filed to the findings made in the WFR. The  
19 purpose of this case is to consider the objections made to the WFR.

## 20 **Claimant & Landowners**

21  
22 The WFR identified Statement of Claim 36-28848 and a historical filing for an irrigation  
23 water right as the applicable previous filings. Roland M. Pyeatt filed the Statement of Claim  
24 asserting a right to water for domestic and stock watering uses. The WFR lists Inca Investment  
25 Limited Partnership as the owner of the property described as located in the southeast quarter of  
26 the southwest quarter of Section 6, Township 21S Range 20E. The public records maintained  
27 by ADWR do not include an assignment of the Statement of Claim to the successor landowners.  
28

1 The records of Cochise County include a warranty deed from Inca Investments Limited  
2 Partnership to P & P Realty in 2003, recorded as document 2003-31132. The warranty deed  
3 identifies the land as Parcel VI described as “[t]he East half of the Southwest quarter of Section  
4 6, Township 21 South, Range 20 East of the Gila and Salt River Base and Meridian, Cochise  
5 County, Arizona.” In 2004, P&P Realty signed a Warranty Deed as a grantor that included the  
6 south half of Section 6 T21S R20 to Haws & Haws, Inc., as grantee. See document 2004-04345  
7 recorded with the Cochise County Recorder. The following year, deeds were filed with the  
8 Cochise County Recorder to convey land from Haws & Haws to Babocamari Properties, LLC  
9 and from P & P Realty to Babocamari Properties LLC, that were also described as tax parcels  
10 106-52-003 - 4 and 106-52-005, respectively. See documents 2005-37426 and 2005-37423  
11 recorded with the Cochise County Recorder. Cochise County Treasurer no longer identifies any  
12 land as tax parcel 106-52-003 -4. Tax parcel 106-52-005E includes land in the SESW Section  
13 6 T21S R20E. According to the Cochise County Assessor, Hayhook LLC owns tax parcel 106-  
14 52-005E. Hayhook LLC is also the named owner of tax parcel 106-52-002A located to the  
15 northwest of tax parcel 106-52-005E. A copy of a map prepared by the Cochise County Assessor  
16 showing tax parcels 106-52-002A and 106-52-005E is attached as Attachment B.  
17  
18

19  
20 The public records maintained by ADWR do not include a Statement of Claimant filed  
21 by Hayhook LLC.  
22

23 **IT IS ORDERED:**

24 1. Contested Case. This contested case shall be known as *In re Inca Investments*  
25 *Limited Liability Company*, and it will determine appropriable rights to water if a Statement of  
26 Claimant is filed, and resolve the objections filed to Watershed File report 111-20-CB-008  
27 published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). Copies  
28

1 of objections can be found under the case name and number on the following website:

2 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

3 [asp](#)

4 2. Litigants. The litigants in this contested case are Hayhook LLC, all persons who  
5 filed objections to the WFR, who are included on Attachment C, and parties who are allowed to  
6 intervene by order.  
7

8 3. Court-Approved Mailing List.

9 A. The initial Court-approved mailing list for this case shall include all  
10 persons listed on Attachment C to this order. The list may be modified  
11 only by filing a motion with the Special Master to amend the Court-  
12 approved mailing list. Litigants are responsible for using the current  
13 Court-approved mailing list.  
14

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

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

22 D. The Clerk of the Court will send copies of all minute entries and orders  
23 issued in this case to the parties listed on the Court-approved mailing list.  
24 Upon request, the Clerk of the Court will provide copies by email. Parties  
25 may request emailed copies of minute entries and orders by completing  
26 and submitting a CONSENT FOR ELECTRONIC RECEIPT OF WATER  
27 CASE DOCUMENTS, which is attached as Attachment D.  
28

1           4.     Status Conference.     An initial status conference shall be held to determine  
2 whether Hayhook LLC intends to pursue claims for rights to appropriable water. If no landowner  
3 appears at the Status Conference, then Statement of Claim 36-28848 and this case will be  
4 dismissed, and no further action will be taken with respect to the WFR or the objections filed to  
5 the WFR.

6           The Status Conference shall be held on **October 27, 2022 at 1:45 p.m.** The Status  
7 Conference shall be held using the Court Connect program. Instructions for Court Connect are  
8 attached as Attachment E. If you receive this Order by email, click on the red box "Join Court  
9 Connect Hearing" on the attached instructions to make an appearance. If you do not receive this  
10 Order by email, log into the Court Connect program on the internet by typing  
11 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend  
12 telephonically using the telephone number and access code included in the instructions for Court  
13 Connect.  
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16  
17   
18 SUSAN WARD HARRIS  
19 Special Master

20 On September 19, 2022, the original of the foregoing was  
21 delivered to the Clerk of the Maricopa County Superior  
22 Court for filing and distributing a copy to all persons  
23 listed on the Court-approved mailing list for this contested  
24 case, a copy of which is attached hereto as Attachment C,  
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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26 Emily Natale

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# **ATTACHMENT A**

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
INCA INVEST. LTD. PRTRSHIP	111-20-CB-008
% JM GROUP, INC.	

W1-11-405

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

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE
10-0216007.1100		IRRIGATION	3620.00	06	210S	200E	1908	W206	210S	200E
36-0028848		DOMESTIC STOCK	3.36	SESW06	210S	200E	1942	SESW06	210S	200E

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
10-0216007.1100	IRRIGATION	NONE		
36-0028848	DOMESTIC STOCK	NONE		

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
NONE	NONE	10-0216007.1100 36-0028848		

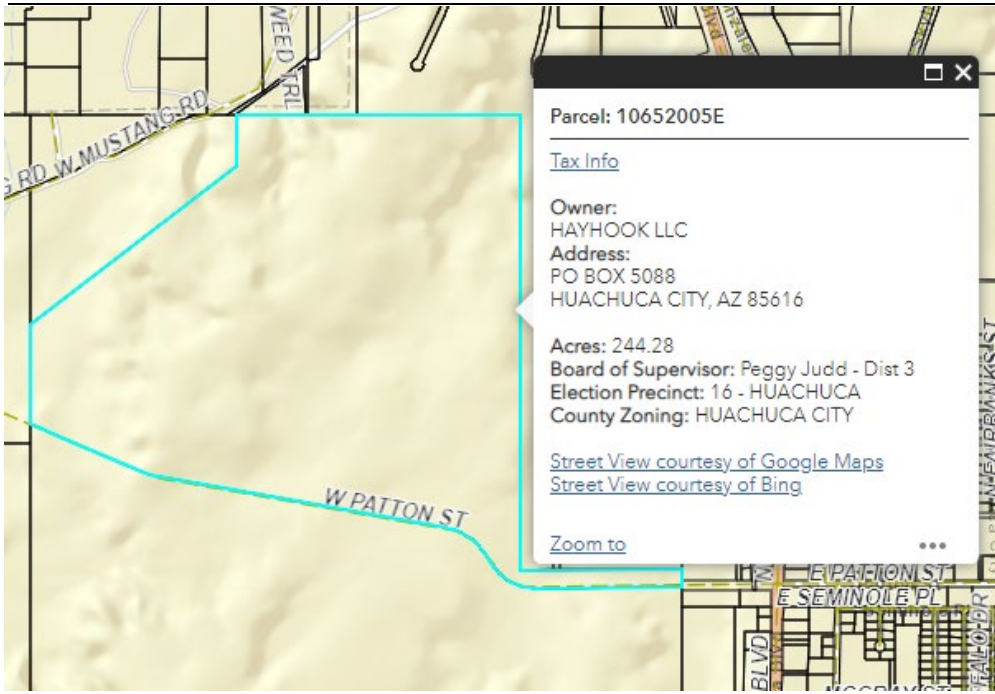
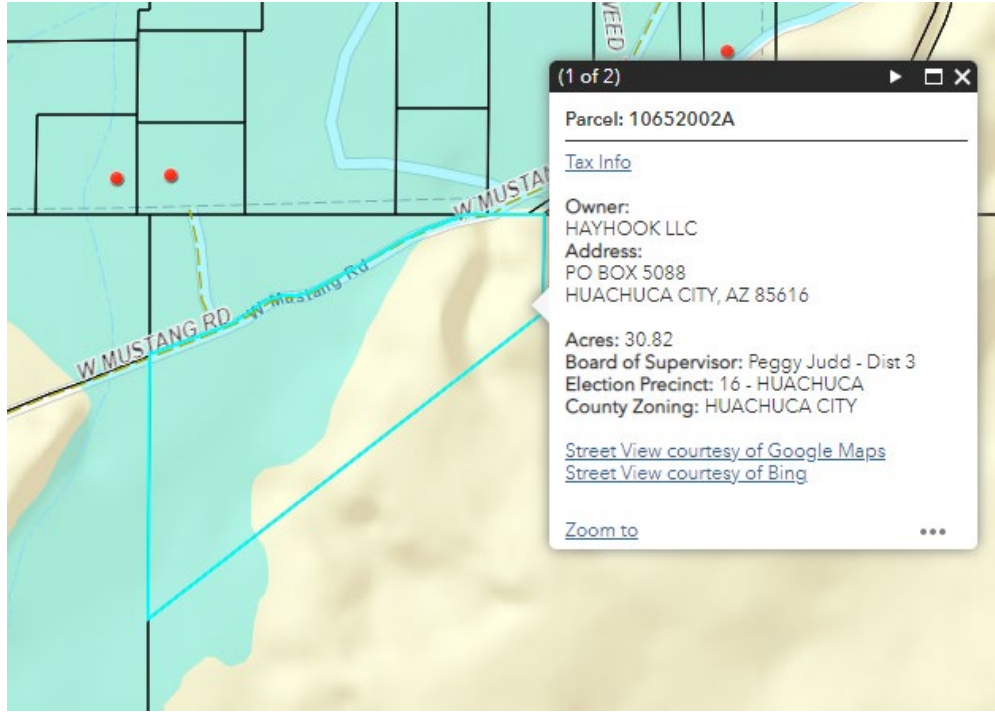
E X P L A N A T I O N

FILINGS AND DECREES

FILING 10-0216007-11 - CLAIMS AN IRRIGATION WATER USE. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATION.  
 FILING 36-28848 - CLAIMS DOMESTIC AND STOCKWATERING USES. NO DOMESTIC OR STOCKWATERING USES WERE FOUND AT THE CLAIMED LOCATIONS.

# ATTACHMENT B

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# ATTACHMENT C

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Arizona Department of Water Resources  
Kimberly Parks & Kome Akpolo  
1110 West Washington, Suite 310  
Phoenix, AZ 85007

Joe P. Sparks and Laurel A. Herrmann  
The Sparks Law Firm, P.C.  
7503 First Street  
Scottsdale, AZ 85251-4573

Clerk of the Superior Court  
Maricopa County  
Attn: Water Case  
601 West Jackson Street  
Phoenix, AZ 85003

Richard Palmer, Jr., Jeremiah Weiner  
and Lauren Mulhern  
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Chandler, AZ 85225

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

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

Hayhook, LLC  
Mark Brinton, Statutory Agent  
1592 W. Desert Retreat Ct.  
Benson, AZ 85602

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

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# **ATTACHMENT D**

**CLERK OF THE COURT  
SUPERIOR COURT OF ARIZONA**

Jeff Fine  
Clerk

**MARICOPA COUNTY  
Customer Service Center  
601 West Jackson  
Phoenix, AZ 85003**

602 372-4115  
Water Case Clerk

CONSENT FOR ELECTRONIC RECEIPT OF WATER CASE DOCUMENTS

In an effort to provide more timely and cost effective distribution of copies of filed Water Case documents, the Clerk of the Superior Court would like implement electronic distribution via email. To do so, we require your consent to receive copies of documents electronically at an email address provided to our office.

This consent is voluntary and can be rescinded if you so choose. If you no longer wish to receive Water Case documents from the Clerk of Superior Court electronically, please send written notification to the Clerk of the Superior Court Water Case Specialist at the email address below requesting that all future records be sent in paper form.

Please note that if you consent to receive documents via email, you must notify the Clerk's Office of any change to your email address to avoid delay in receiving future filings. In the event there is no valid email address on file with the Clerk of the Superior Court Water Case Specialist, documents will be mailed to the address provided.

If you wish to consent to receive future documents via email, please either fill out the information below and mail to our office or provide the below information to [Mayra.Antelo@Maricopa.Gov](mailto:Mayra.Antelo@Maricopa.Gov).

Preferred email address:

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Alternate email address:

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Physical address:

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Phone number:

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Firm Name:

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Name [Printed]:

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Signature:

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Date:

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Thank you,

Mayra Antelo  
Clerk of the Superior Court  
Water Case Specialist  
(602) 372-5375 options 7,1,3,4

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# **ATTACHMENT E**



## Court Connect Hearing Notice for In re Inca Investment Limited Partnership

*This hearing will be conducted through the new Court Connect program offered by the Superior Court of Arizona in Maricopa County. This new and innovative program allows Court participants to appear online, rather than in a physical courtroom. Hearings are preferably conducted by videoconference but can also be conducted by phone. Lawyers (and self-representing litigants) are responsible for distributing this notice to anyone who will be appearing on their behalf.*

*All participants must use the JOIN COURT CONNECT HEARING button or the dial in information below to participate.*

**Participants:** Please follow the steps below to participate in the remote proceeding.

1. Click the JOIN COURT CONNECT HEARING button below.
2. Enter your full name and role in name field.
3. Wait for the facilitator to admit you to the proceeding.

Remember to keep this email handy so you can use it to participate in the following proceeding.

**Case Name:** In re Inca Investment Limited Partnership, Contested Case No. W1-11-0405

**Start Date/Time:** October 27, 2022 at 1:45 p.m.

**JOIN COURT CONNECT HEARING**

**Dial-in Information:** +1 917-781-4590

**Private Dial-in Information:** for privacy purposes, you can block your phone number by dialing \*67 +1 917-781-4590

**Dial-in Access Code:** 688 970 203#

Tiny URL: <https://tinyurl.com/specialwatermaster>

To ensure an optimal experience, please review the brief Court Connect training prior to the hearing: [Here](#)

