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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. W1-11-0717

ORDER TO INITIATE CONTESTED CASE

AND

ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re Daniel W. and Rebecca W. Aiba*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey WFR
DESCRIPTIVE SUMMARY: Case initiated and status conference set for **October 7, 2021 at 1:30 p.m.**
NUMBER OF PAGES: 15
DATE OF FILING: August 9, 2021

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 Luis Trujillo and Renee LaFarga and Jack and Nina Williams. 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 claims have been made for legal rights to water in

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

6 In this case, Daniel K. Aiba (“Claimant”) filed a Statement of Claimant on December 18,
7 1979 for rights to water for use on land in NESESE Section 5 Township 23S Range 21E. The
8 Arizona Department of Water Resources (“ADWR”) investigated the claim, which it
9 characterized as a claim for irrigation and domestic uses, and prepared a report known as
10 Watershed File Report No. 111-23-AC-044 (“WFR”) published in the Final San Pedro River
11 Watershed Hydrographic Survey WFR (1991). A copy of the WFR is attached as Attachment
12 A.

13 The WFR found no use of water on the land and no sources of water for use on the land.
14 After ADWR issued the WFR, objections were filed to the findings made in the WFR. The
15 purpose of this case is to consider the claims made for water rights that are the subject of the
16 WFR and resolve the objections to the WFR.

17 18 **Claimant & Landowners**

19 The WFR identified one Statement of Claimant (SOC) relevant to the potential water
20 right: 39-2282. Daniel Aiba filed the SOC claiming water for domestic and irrigation uses. The
21 WFR lists Daniel W. and Rebecca W. Aiba as the owners of the property described as located in
22 the northeast quarter of the southeast quarter of the southeast quarter of Section 5 Township 23S
23 Range 21E. The public records maintained by ADWR do not include an assignment of the SOC
24 from the Claimant to the successor landowners.
25

26 The records of the Cochise County Recorder include a warranty deed from Daniel and
27 Rebecca Aiba to Troy Stewart in 2006, recorded as document 2006-00528, that identified the
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1 property tax parcel 104-03-017. Tory Stewart signed warranty deeds in favor of the property to
2 Amor del Sol Development, Inc. and David and Katie Barron in 2006. Those deeds are recorded
3 as documents 2006-00529 and 2006-0053, respectively identify the land as tax parcel 104-03-
4 017. The property was subsequently transferred the following year. The Cochise County
5 Assessor lists Luis Trujillo and Renee LaFarga as the current owners of tax parcel 104-03-017A
6 and Jack and Nina Williams as the owners of tax parcel 104-03-017B. A copy of a map prepared
7 by the Cochise County Assessor showing tax parcels 104-03-017A and B is attached as
8 Attachment B. The public records of ADWR do not include a Statement of Claimant filed by
9 either Luis Trujillo and Renee LaFarga or Jack and Nina Williams.

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12 **IT IS ORDERED:**

13 1. Contested Case. This contested case shall be known as *In re Daniel W. and*
14 *Rebecca W. Aiba* and it will determine appropriable water rights asserted in the Statement of
15 Claimant and objections that were filed to Watershed File report 111-23-AC-044 published in
16 the Final San Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections
17 can be found under the case name and number on the following website:
18 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
19 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

20 2. Litigants. The litigants in this contested case are the Claimant, the current
21 landowners, all persons who filed objections to the WFR, who are included on Attachment C,
22 and claimants who are allowed to intervene by order.

23
24 3. Court-Approved Mailing List.

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

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

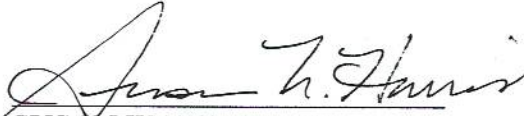
7 C. Claimants wishing to be added or removed from the mailing list shall file
8 a motion with the Special Master. Parties allowed to intervene will be
9 automatically added to the Court-approved mailing list.

10 D. The Clerk of the Court will send copies of all minute entries and orders
11 issued in this case to the parties listed on the Court-approved mailing list.
12 Upon request, the Clerk of the Court will provide copies by email. Parties
13 may request emailed copies of minute entries and orders by completing
14 and submitting a CONSENT FOR ELECTRONIC RECEIPT OF WATER
15 CASE DOCUMENTS, which is attached as Attachment D.
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18 4. Status Conference. An initial status conference shall be held to determine
19 whether the Claimant, Luis Trujillo, Renee LaFarga, Jack Williams or Nina Williams intend to
20 pursue claims for rights to appropriable water for domestic or irrigation use. If no claimant or
21 potential claimant appears at the Status Conference, then Statement of Claimant 39-2282 and this
22 case will be dismissed and no further action will be taken with respect to the WFR or the
23 objections filed to the WFR.
24

25 The Status Conference shall be held on **October 7, 2021 at 1:30 p.m.** The Status
26 Conference shall be held using the Court Connect program. Instructions for Court Connect are
27 attached as Attachment E. If you receive this Order by email, click on the red box "Join Court
28

1 Connect Hearing” on the attached instructions to make an appearance. If you do not receive this
2 Order by email, log into the Court Connect program on the internet by typing
3 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend
4 telephonically using the telephone number and access code included in the instructions for Court
5 Connect.

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9 SUSAN WARD HARRIS
10 Special Master

11 On August 9, 2021, the original of the foregoing was
12 delivered to the Clerk of the Maricopa County Superior
13 Court for filing and distributing a copy to all persons
14 listed on the Court-approved mailing list for this contested
15 case, a copy of which is attached hereto as Attachment C,
16 and to all persons listed on the Court-approved mailing
17 list for W-1, W-2, W-3, and W-4 (Consolidated).

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ATTACHMENT A

LAND OWNER

AIBA, DANIEL K.
& REBECCA W.

WATERSHED FILE
REPORT NUMBER

111-23-AC-044

WI-11-717

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
39-0002282		IRRIGATION DOMESTIC	8.96 2.24	NESESE05	230S	210E	1972	NESESE05	230S	210E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0002282	IRRIGATION DOMESTIC	NONE NONE		

92 APR -3 PM 2:49
 FILED
 JUDITH ALLEN, CLERK
 BY R. Carlisle DEP.

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
NONE	39-0002282	NONE		

EXPLANATION

FILINGS AND DECREES
 FILING 39-2282 - CLAIMS IRRIGATION AND DOMESTIC WATER USES. NO IRRIGATION OR DOMESTIC USES WERE FOUND AT THE CLAIMED LOCATION.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS
 A COMMENT WAS RECEIVED FROM THE LANDOWNER WHICH STATED THAT NO WATER USES OCCUR ON THIS PROPERTY.

ATTACHMENT B

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ATTACHMENT C

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Arizona Department of Water Resources
Kimberly Parks
P. O. Box 36020
Phoenix, AZ 85067

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

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

Daniel W. and Rebecca W. Aiba
94-834 Leomana Way
Waipaku, HI 96797

Jack and Nina Williams
6210 S Y Lightning Ranch Rd
Hereford, AZ 85615

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

Luis S Trujillo & Renee F. LaFarga
6200 S Y Lightning Ranch Rd.
Hereford, AZ 85615

Richard Palmer, Jr., Jeremiah Weiner
and Lauren Mulhern
Rosette, LLP
565 W. Chandler Blvd. Suite 212
Chandler, AZ 85225

1 S. Montgomery, R. Interpreter, J. Tomkus
2 Montgomery & Interpreter, Plc
3 3301 E. Thunderbird Road
4 Phoenix, AZ 85032

5 Special Master Susan Ward Harris
6 Superior Court of Arizona
7 201 W. Jefferson Street
8 Courtroom 301
9 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.

Preferred email address:

Alternate email address:

Physical address:

Phone number:

Firm Name:

Name [Printed]:

Signature:

Date:

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 Daniel W. and Rebecca W. Aiba

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 Daniel W. and Rebecca W. Aiba, Contested Case No. W1-11-0717

Start Date/Time: October 7, 2021 at 1:30 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](#)

