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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. W1-11-1034

ORDER TO INITIATE CONTESTED CASE

AND

ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re James & Loyce Guthrie*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Case initiated and status conference set for **October 21, 2021 at 2:30 p.m.**

NUMBER OF PAGES: 17

DATE OF FILING: August 20, 2021

General Explanation

This Order begins the process necessary to adjudicate claims made for rights to appropriate water for use on land that the Arizona Department of Water Resources identified as previously owned by James and Loyce Guthrie. The Cochise County Assessor has

1 identified Ferrellgas Limited Partnership as the current owner of the land. This contested case
2 is one of the many cases in the General Stream Adjudication for the San Pedro River watershed
3 to determine legal rights to water. Other cases in which claims have been made for legal rights
4 to water in the San Pedro River Watershed have been completed, are in the process of
5 determining water rights, or awaiting initiation. The purpose of the General Adjudication is to
6 determine the rights of those persons who filed statements of claimant for rights to use
7 appropriable water in the San Pedro River Watershed. The General Adjudication will also
8 determine water rights in the Upper Salt, Verde, Upper Gila, Lower Gila, Agua Fria, and Upper
9 Santa Cruz watersheds.

10 In this case, Jacob G. Goldberg (“Claimant”) filed Statement of Claimant 39-1018 on
11 July 6, 1979 for rights to water from a well on land in Section 31 Township 23S Range 22E.
12 The Arizona Department of Water Resources (“ADWR”) investigated the claim, which it
13 characterized as a claim for irrigation use and prepared a report known as Watershed File
14 Report No. 111-23-DA-031 (“WFR”) published in the Final San Pedro River Watershed
15 Hydrographic Survey Report (1991). A copy of the WFR is attached as Attachment A.

16 The WFR found no irrigation use of water on the land described in the WFR. After
17 ADWR issued the WFR, objections were filed to the findings made in the WFR. The purpose
18 of this case is to consider the claims made for water rights that are the subject of the WFR and
19 resolve the objections to the WFR.
20

21 **Claimant & Landowners**

22
23 The WFR identified one Statement of Claimant (“SOC”) relevant to the potential water
24 right: 39-1018. Jacob G. Goldberg filed the SOC claiming water for an irrigation use. The
25 WFR lists James J. and Loyce J. Guthrie as owners of the property described, located in
26 Section 31 Township 23S Range 22E. The public records maintained by ADWR do not
27 include an assignment of the SOC from the Claimant to the successor landowners.
28

1 The Cochise County Assessor lists Ferrellgas Limited Partnership as the owner of tax
2 parcel no. 104-44-006A, which corresponds to the land mapped in the WFR. A map of WFR
3 111-23-DA-031, prepared by ADWR in August 2021, is attached as Attachment B. A copy of
4 a map prepared by the Cochise County Assessor showing tax parcel 104-44-006A is attached
5 as Attachment C.

6
7 **IT IS ORDERED:**

8 1. Contested Case. This contested case shall be known as *In re James & Loyce*
9 *Guthrie* and it will determine appropriable water rights asserted in the Statement of Claimant
10 and objections that were filed to Watershed File Report 111-23-DA-031 published in the Final
11 San Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections can be
12 found under the case name and number on the following website:
13 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
14 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

15 2. Litigants. The litigants in this contested case are the Claimant, the current
16 landowner, all persons who filed objections to the WFR, who are included on Attachment D,
17 and claimants who are allowed to intervene by order.

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19 3. Court-Approved Mailing List.

20
21 A. The initial Court-approved mailing list for this case shall include all
22 persons listed on Attachment D to this order. The list may be modified
23 only by filing a motion with the Special Master to amend the Court-
24 approved mailing list. Litigants are responsible for using the current
25 Court-approved mailing list.
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1 B. A copy of any pleading filed with the Clerk of the Maricopa County
2 Superior Court in this case shall be served upon each person listed on the
3 Court-approved mailing list.

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

7
8 D. The Clerk of the Court will send copies of all minute entries and orders
9 issued in this case to the parties listed on the Court-approved mailing
10 list. Upon request, the Clerk of the Court will provide copies by email.
11 Parties may request emailed copies of minute entries and orders by
12 completing and submitting a CONSENT FOR ELECTRONIC RECEIPT
13 OF WATER CASE DOCUMENTS, which is attached as Attachment E.
14

15 4. Status Conference. An initial status conference shall be held to determine
16 whether the current landowner intends to pursue claims for rights to appropriable water for
17 irrigation use. If no person appears at the Status Conference, then Statement of Claimant 39-
18 1018 and this case will be dismissed and no further action will be taken with respect to the
19 WFR or the objections filed to the WFR.

20
21 The Status Conference shall be held on **October 21, 2021 at 2:30 p.m.** The Status
22 Conference shall be held using the Court Connect program. Instructions for Court Connect are
23 attached as Attachment F. If you receive this Order by email, click on the red box “Join Court
24 Connect Hearing” on the attached instructions to make an appearance. If you do not receive
25 this Order by email, log into the Court Connect program on the internet by typing
26 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may
27
28

1 attend telephonically using the telephone number and access code included in the instructions
2 for Court Connect. You may also attend telephonically using the following numbers:

3 Instructions for telephonic participation:


4 Dial: 602-506-9695 (local)

5 1-855-506-9695 (toll free long distance)

6 Dial Collaboration (conference) Code 357264#
7
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11 
12 SUSAN WARD HARRIS
13 Special Master
14

15 On August 20, 2021, the original of the foregoing was
16 delivered to the Clerk of the Maricopa County Superior
17 Court for filing and distributing a copy to all persons
18 listed on the Court-approved mailing list for this
19 contested case, a copy of which is attached hereto as
20 Attachment D, and to all persons listed on the Court-
21 approved mailing list for W-1, W-2, W-3, and W-4
22 (Consolidated).

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29 Emily Natale

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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
GUTHRIE, JAMES J.	111-23-DA-031
& LOYCE J.	

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 LOCATION SECTION	TWNP	RNGE
39-0001018		IRRIGATION	17.65	31	230S	220E	1960	31	230S	220E

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
39-0001018	IRRIGATION	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	39-0001018	NONE		

E X P L A N A T I O N






FILINGS AND DECREES
 FILING 39-1018 - CLAIMS AN IRRIGATION WATER USE. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATION.

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ATTACHMENT B



Legend

-  Investigated Areas
-  Township
-  Section
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-  QQQ



James Guthrie
 Watershed File Report 111-23-DA-031

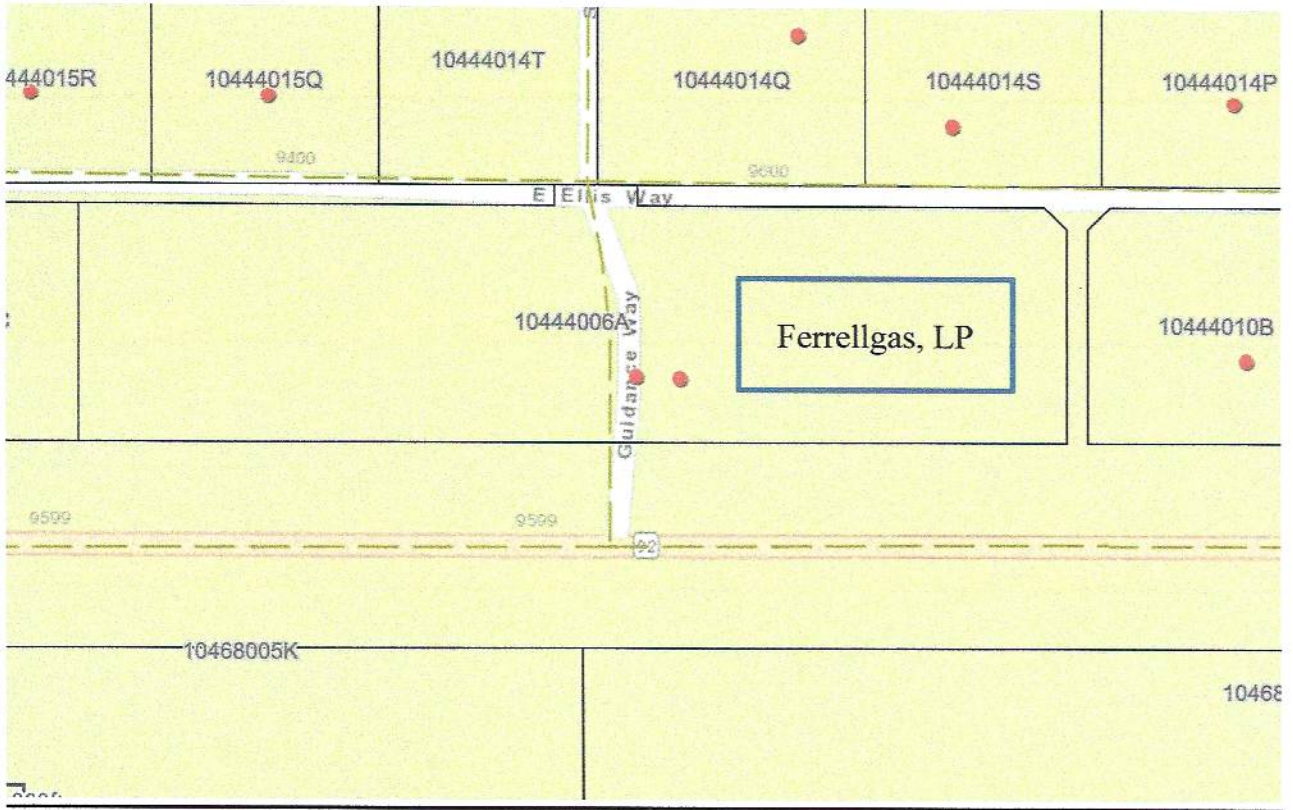
Township 23S Range 22E
Section 31



ADWR August 2021

ATTACHMENT C

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ATTACHMENT D

1
2
3 Arizona Department of Water Resources
4 Kimberly Parks
5 P. O. Box 36020
6 Phoenix, AZ 85067

7 Clerk of the Superior Court
8 Maricopa County
9 Attn: Water Case
10 601 West Jackson Street
11 Phoenix, AZ 85003

12 Ferrellgas Limited Partnership
13 C/O CT Corporation System
14 3800 N. Central Ave.
15 Phoenix, AZ 85012

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

21 Jacob G. Goldberg
22 3306 E. Camelback Rd.
23 Phoenix, AZ 85012

24 Joe P. Sparks and Laurel A. Herrmann
25 The Sparks Law Firm, P.C.
26 7503 First Street
27 Scottsdale, AZ 85251-4573

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

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

Special Master Susan Ward Harris
Superior Court of Arizona

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201 W. Jefferson Street
Courtroom 301
Phoenix, AZ 85003

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ATTACHMENT E

**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 F

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Court Connect Hearing Notice for In re James & Loyce Guthrie

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 James & Loyce Guthrie, Contested Case No. W1-11-1034

Start Date/Time: October 21, 2021 at 2:30 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](#)

