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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. W1-11-1214

ORDER TO INITIATE CONTESTED CASE  
AND  
ORDER SETTING STATUS  
CONFERENCE

CONTESTED CASE NAME: *In re Robert S. and Judi MacNeil*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report  
DESCRIPTIVE SUMMARY: Case initiated and status conference set for **November 17, 2022 at 1:45 p.m.**  
NUMBER OF PAGES: 15  
DATE OF FILING: October 10, 2022

**General Explanation**

This Order begins the process necessary to adjudicate claims made for water rights filed by Robert MacNeil. This contested case is one of the many cases in the Arizona General Stream

1 Adjudication for the San Pedro River Watershed to determine legal rights to water. Other cases  
2 in which claims have been made for legal rights to water in the San Pedro River Watershed have  
3 been completed, are in the process of determining water rights, or are awaiting initiation. The  
4 purpose of the General Adjudication is to determine the rights of those persons who filed  
5 Statements of Claimant for rights to use appropriable water in Arizona. The General  
6 Adjudication will also determine water rights in the Upper Salt, Verde, Upper Gila, Lower Gila,  
7 Agua Fria, and Upper Santa Cruz watersheds.  
8

9 In this case, Robert S. MacNeil (“Claimant”) filed Statement of Claimant (“SOC”) 39-  
10 6364 on July 13, 1984 for rights to water for irrigation, domestic, and wildlife uses. The Arizona  
11 Department of Water Resources (“ADWR”) investigated the claim and prepared a report known  
12 as Watershed File Report No. 111-24-085 (“WFR”), which is published in the Final San Pedro  
13 River Watershed Hydrographic Survey Report (1991). The WFR identifies potential irrigation,  
14 domestic, and wildlife uses. It identified a small reservoir on land in the southeast quarter of the  
15 northwest quarter of the northeast quarter of Section 28 Township 23S and Range 22E. The WFR  
16 also shows that surface water from the San Pedro River and groundwater are the sources of water  
17 potentially supporting such uses. A copy of the WFR is attached as Attachment A, and a copy of  
18 the map prepared for the WFR is attached as Attachment B on which the land is labeled as “(85)”.  
19  
20

21 After ADWR issued the WFR, objections were filed to the findings made in the WFR.  
22 The purpose of this case is to consider the claims made for water rights that are the subject of the  
23 WFR and resolve the objections to the WFR.  
24

#### 25 **Claimant & Landowners**

26 The WFR identified one SOC relevant to the potential water right: 39-6364. Robert S.  
27 MacNeil filed the SOC claiming domestic, irrigation, and wildlife uses. The SOC identified a  
28 well as the source of water for these uses. Mr. MacNeil identified the well by file number D(23-

1 22)28AADGS#1. The registration number for this well is 55-637785. The Registration of  
2 Existing Wells filed with ADWR on June 7, 1982, identifies the location of the well as the  
3 southeast quarter of the northeast quarter of the northeast quarter of Section 28 Township 23S  
4 Range 22E. According to ADWR, this well is within the subflow zone of the San Pedro River.  
5 Water flowing within the subflow zone of the San Pedro River is considered to be part of the  
6 surface stream and subject to the same laws and rules as other types of surface water. A map  
7 prepared by ADWR showing the well's location within the subflow zone is included in  
8 Attachment C. The WFR lists Robert S. and Judi MacNeil as the owners of the place of use of  
9 the potential water right, described as located in the southwest quarter of the northeast quarter of  
10 the northeast quarter of Section 28 Township 23S Range 22E. The records of the Cochise County  
11 Assessor indicate that this area now comprises multiple parcels owned by the Estate of Robert  
12 MacNeil, the Karl Schmitt and Patrick Dome Revocable Living Trust, and Entrust Arizona  
13 Retirement Plan LLC.  
14

15  
16 The Estate of Robert MacNeil holds tax parcel numbers 104-42-008G and 104-42-008H.  
17 The Karl Schmitt and Patrick Dome Living Trust own one parcel in the area described by the  
18 WFR. Judi MacNeil transferred a portion of the land identified in the WFR to Karl Schmidt and  
19 Patrick Dome through a joint tenancy deed, identified as document number 2005-48185 by the  
20 Cochise County Recorder. The Karl Schmitt and Patrick Dome Revocable Living Trust currently  
21 own parcel number 104-42-008D. Vantage Retirement Plans, LLC, formerly known as Entrust  
22 Arizona, L.L.C. prior to the filing of Articles of Amendment on November 30, 2011 with the  
23 Arizona Corporation Commission, and formerly known as Entrust Arizona Retirement Plan  
24 Administration, LLC prior to the filing of Articles of Amendment on July 30, 2007 with the  
25 Arizona Corporation Commission, owns one parcel in the area described by the WFR. Through  
26 a warranty deed, identified as document number 2006-22758 by the Cochise County Recorder,  
27  
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1 Judi MacNeil transferred a portion of the land identified in the WFR to Entrust Arizona  
2 Retirement Plan. This parcel was identified as parcel number 10-44-2007E.

3 The public records of the Arizona Department of Water Resources do not contain an  
4 assignment of the SOC from Robert and Judi MacNeil to any of the current owners of the land  
5 identified in the WFR. Further, the public records do not indicate that either the trustees of the  
6 Karl Schmitt and Patrick Dome Revocable Living Trust or Entrust Arizona Retirement Plan LLC  
7 have filed a statement of claimant with respect to the potential water right at issue here. A copy  
8 of the map prepared by the Cochise County Assessor showing the relevant parcels is attached as  
9 Attachment D.  
10

11 **IT IS ORDERED:**

12  
13 1. Contested Case. This contested case shall be known as *In re Robert S. and Judi*  
14 *MacNeil* and it will determine appropriable water rights asserted in the Statement of Claimant  
15 and objections that were filed to Watershed File Report 111-24-085 published in the Final San  
16 Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections can be found  
17 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

21 2. Litigants. The litigants in this contested case are current landowners, all persons  
22 who filed objections to the WFR, and parties 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 E to this order. The list may be modified  
27 only by filing a motion with the Special Master to amend the Court-  
28

1 approved mailing list. Litigants are responsible for using the current  
2 Court-approved mailing list.

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

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

9 D. The Clerk of the Court will send copies of all minute entries and orders  
10 issued in this case to the parties listed on the Court-approved mailing list.  
11 Upon request, the Clerk of the Court will provide copies by email. Parties  
12 may request emailed copies of minute entries and orders by completing  
13 and submitting a CONSENT FOR ELECTRONIC RECEIPT OF WATER  
14 CASE DOCUMENTS, which is attached as Attachment F.  
15

16  
17 4. Status Conference. An initial status conference shall be held to determine  
18 whether current landowners intend to pursue claims for rights to appropriable water for domestic,  
19 irrigation, or wildlife use. At the Status Conference, appropriate procedures will be discussed to  
20 adjudicate the claimed water rights. If no person claiming a water right appears at the Status  
21 Conference, then Statement of Claimant 39-6364 and this case will be dismissed and no further  
22 action will be taken with respect to the WFR or the objections filed to the WFR.  
23

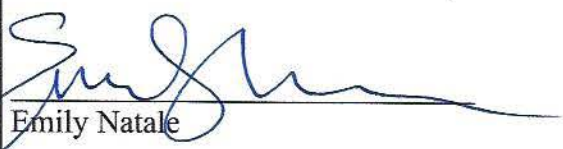
24 The Status Conference shall be held on **November 17, 2022 at 1:45 p.m.** The Status  
25 Conference shall be held using the Court Connect program. Instructions for Court Connect are  
26 attached as Attachment G. If you receive this Order by email, click on the red box “Join Court  
27 Connect Hearing” on the attached instructions to make an appearance. If you do not receive this  
28

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

5  
6 Instructions for telephonic appearance:  
7 Dial: 602-506-9695 (local)  
8 1-855-506-9695 (toll free long distance)  
9 Dial Participant Pass Code 357264#

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11   
12 SUSAN WARD HARRIS  
13 Special Master

14 On October 10, 2022, the original of the foregoing was  
15 delivered to the Clerk of the Maricopa County Superior  
16 Court for filing and distributing a copy to all persons  
17 listed on the Court-approved mailing list for this contested  
18 case, a copy of which is attached hereto as Attachment D,  
19 and to all persons listed on the Court-approved mailing  
20 list for W-1, W-2, W-3, and W-4 (Consolidated).

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# **ATTACHMENT A**

W1-11-1214

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
MACNEIL, ROBERT S.	111-24-085
& JUDI	

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
39-0006364	QUE.RECD	IRRIGATION DOMESTIC REC/FISH/WLDF		SENE28	230S	220E	1978	SENE28	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
39-0006364	IRRIGATION DOMESTIC WILDLIFE	INCIDENTAL DOMESTIC INCIDENTAL		DM001, SRO01

U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DM001	SWNE28	230S	220E		GROUNDWATER : ZONE 1	1984	NO	UNNAMED

R E S E R V O I R S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SRO01	SENWNE28	230S	220E		SURFACE WATER	1984	UNNAMED	WILDLIFE

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
DM001	39-0006364	NONE			GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
SRO01	39-0006364	NONE	1984	1984 AERIAL PHOTO	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
DM001							SEE VOLUME 1 - GENERAL ASSESSMENT
SRO01	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	

E X P L A N A T I O N

FILINGS AND DECREES

FILING 39-6364 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH REFLECTS INFORMATION PREVIOUSLY PROVIDED IN THE ORIGINAL STATEMENT OF CLAIMANT.

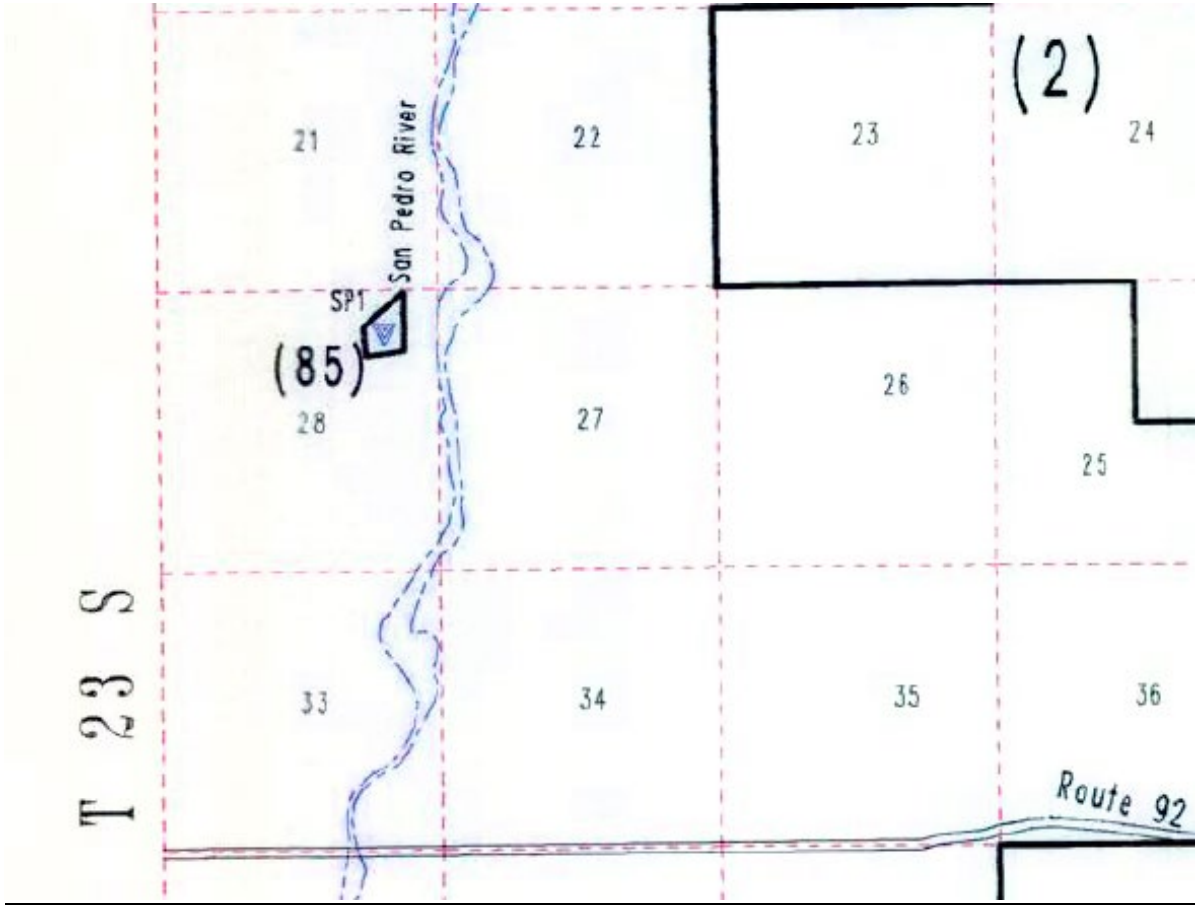
USES AND RESERVOIRS

DM1 - DOMESTIC WATER USE INCLUDES IRRIGATION TOTALING LESS THAN ONE-HALF ACRE WITHIN GROUNDWATER ZONE 1 OF THE SAN PEDRO RIVER.  
SR1 - SMALL RESERVOIR PROVIDES WATER FOR WILDLIFE PURPOSES.



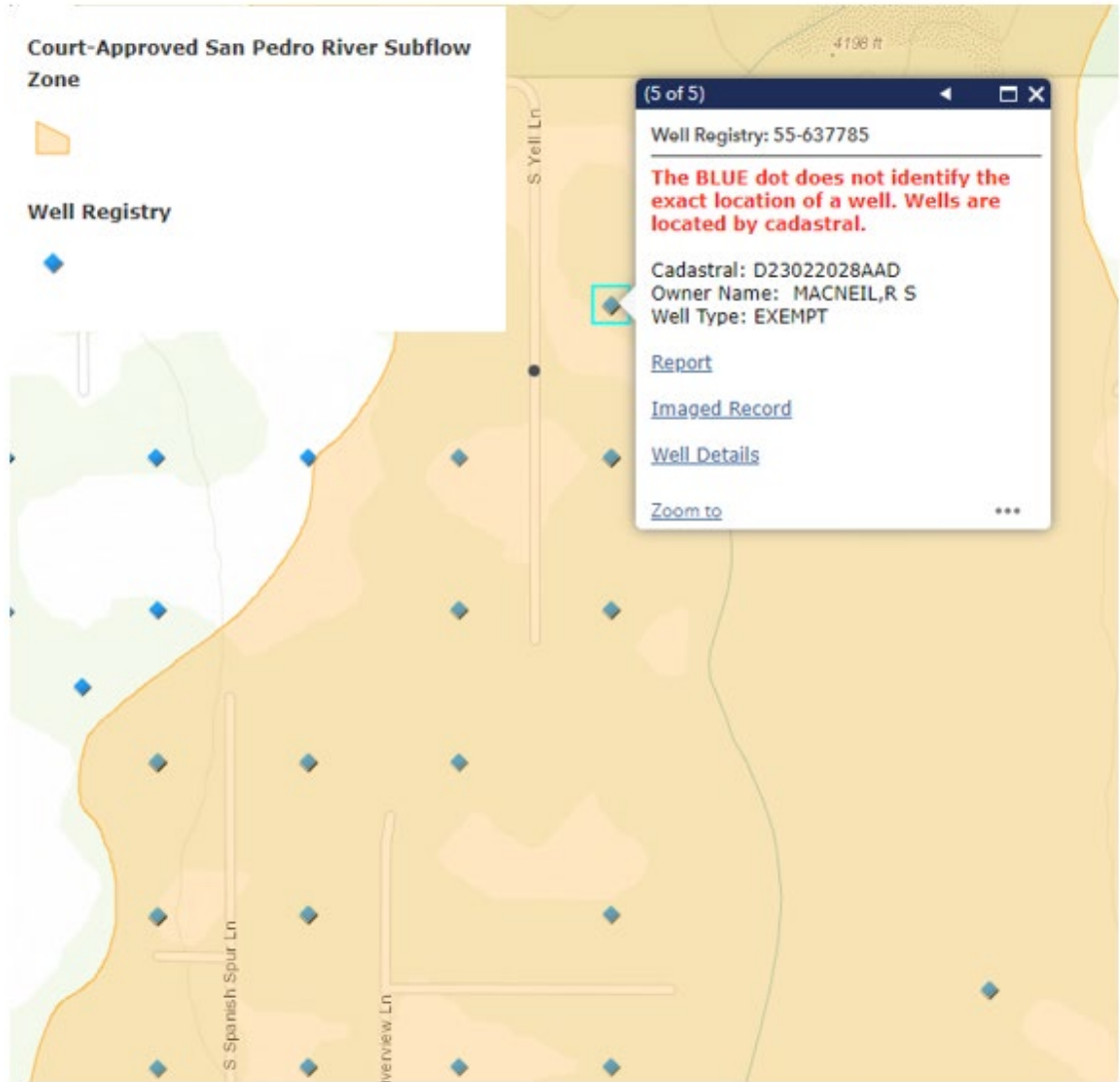
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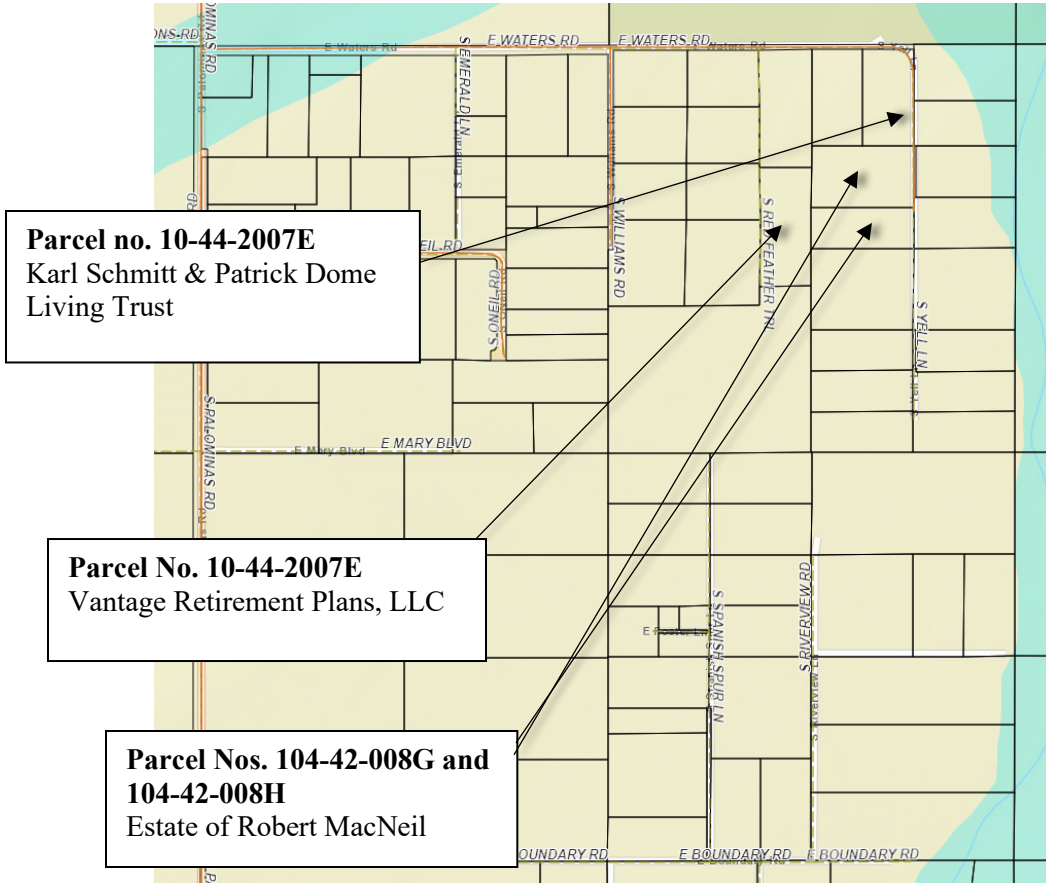
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Arizona Department of Water Resources  
Kimberly R. Parks and Kome Akpolo  
1110 West Washington, Suite 310  
Phoenix, AZ 85007

Karl Schmitt and Patrick Dome Living  
Trust  
8933 S Yell Ln Apt. JN  
Hereford, Arizona 85615

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

J. B. Weldon, M. A. McGinnis, M. K. Foy  
Salmon, Lewis & Weldon  
2850 E. Camelback Rd. Suite 200  
Phoenix, AZ 85016

Estate of Robert MacNeil,  
c/o Booke Meyer  
2380 N Spirit Dancer Trail  
Tucson, AZ 85749

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

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

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

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

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

Galbut Beabeau P.C.  
Vantage Retirement Plans, LLC  
6720 N Scottsdale Road Suite 305  
Scottsdale, AZ 85253

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# **ATTACHMENT F**

**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 G**





## Court Connect Hearing Notice for In re Robert S. & Judi MacNeil

*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 Robert S. & Judi MacNeil Contested Case No. W1-11-1214**

**Start Date/Time: November 17, 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](#)

