

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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. W1-11-1309

ORDER TO INITIATE CONTESTED CASE

AND

ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re Russell & Patricia Williams*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey WFR

DESCRIPTIVE SUMMARY: Case initiated and status conference set for **October 21, 2021 at 1:40 p.m.**

NUMBER OF PAGES: 15

DATE OF FILING: August 17, 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 Micah and Jenny Garcia. 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.

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

7 In this case, Russell V. Williams ("Claimant") filed Statement of Claimant 39-11407 on
8 December 3, 1984 for rights to water for use on land in NESWSE Section 28 Township 23S
9 Range 22E. The Arizona Department of Water Resources ("ADWR") investigated the claim,
10 which it characterized as a claim for irrigation, domestic, and stockwater uses, and prepared a
11 report known as Watershed File Report No. 111-24-CB-036 ("WFR") published in the Final
12 San Pedro River Watershed Hydrographic Survey Report (1991). A copy of the WFR is
13 attached as Attachment A.

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

19 **Claimant & Landowners**

20

21 The WFR identified one Statement of Claimant ("SOC") relevant to the potential water
22 right: 39-11407. Russell V. Williams filed the SOC claiming water for irrigation, domestic,
23 and stockwatering uses. The WFR lists Russell V. and Patricia A. Williams as the owners of
24 the property described as located in the northeast quarter of the southwest quarter of the
25 southeast quarter of Section 28 Township 23S Range 22E. The public records maintained by
26 ADWR do not include an assignment of the SOC from the Claimant to the successor
27 landowners.
28

1 The records of the Cochise County Recorder include a warranty deed from Russell V.
2 and Patricia A. Williams, Trustees of the Williams Family Trust, to Micah W. and Jenny L.
3 Garcia, recorded as document 2019-23839. The Cochise County Assessor lists Micah W. and
4 Jenny L. Garcia as the current owners of tax parcel no. 104-42-030. A copy of a map prepared
5 by the Cochise County Assessor showing tax parcel 104-42-030 is attached as Attachment B.
6 The public records of ADWR do not include a Statement of Claimant filed by anyone other
7 than Russell V. Williams.

8
9 **IT IS ORDERED:**

10 1. Contested Case. This contested case shall be known as *In re Russell & Patricia*
11 *Williams* and it will determine appropriable water rights asserted in the Statement of Claimant
12 and objections that were filed to Watershed File Report 111-24-CB-036 published in the Final
13 San Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections can be
14 found under the case name and number on the following website:
15 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
16 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

17 2. Litigants. The litigants in this contested case are the Claimants, the current
18 landowners, all persons who filed objections to the WFR, and parties who are allowed to
19 intervene by order.

20
21 3. Court-Approved Mailing List.

22 A. The initial Court-approved mailing list for this case shall include all
23 persons listed on Attachment C to this order. The list may be modified
24 only by filing a motion with the Special Master to amend the Court-
25 approved mailing list. Litigants are responsible for using the current
26 Court-approved mailing list.
27
28

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 D.
14

15 4. Status Conference. An initial status conference shall be held to determine
16 whether the claimant or current landowners, Micah and Jenny Garcia, intend to pursue claims
17 for rights to appropriable water for irrigation, domestic, or stockwatering use. If no person
18 claiming a water right appears at the Status Conference, then Statement of Claimant 39-11407
19 and this case will be dismissed and no further action will be taken with respect to the WFR or
20 the objections filed to the WFR.
21

22 The Status Conference shall be held on **October 21, 2021 at 1:40 p.m.** The Status
23 Conference shall be held using the Court Connect program. Instructions for Court Connect are
24 attached as Attachment E. If you receive this Order by email, click on the red box "Join Court
25 Connect Hearing" on the attached instructions to make an appearance. If you do not receive
26 this Order by email, log into the Court Connect program on the internet by typing
27 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may
28

1 attend telephonically using the telephone number and access code included in the instructions
2 for Court Connect.

3
4
5 
6 SUSAN WARD HARRIS
Special Master

7
8 On August 17, 2021, the original of the foregoing was
9 delivered to the Clerk of the Maricopa County Superior
10 Court for filing and distributing a copy to all persons
11 listed on the Court-approved mailing list for this
12 contested 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).

13 
14 Emily Natale

15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
WILLIAMS, RUSSELL V.	111-24-CB-036
& PATRICIA A.	

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
39-0011407	QUE.RECD	IRRIGATION	6.50	NESWSE28	230S	220E	1971	NESWSE28	230S	220E
		DOMESTIC	.67							
		STOCK	.50							

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
39-0011407	IRRIGATION	NONE		
	DOMESTIC	NONE		
	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	39-0011407	NONE		

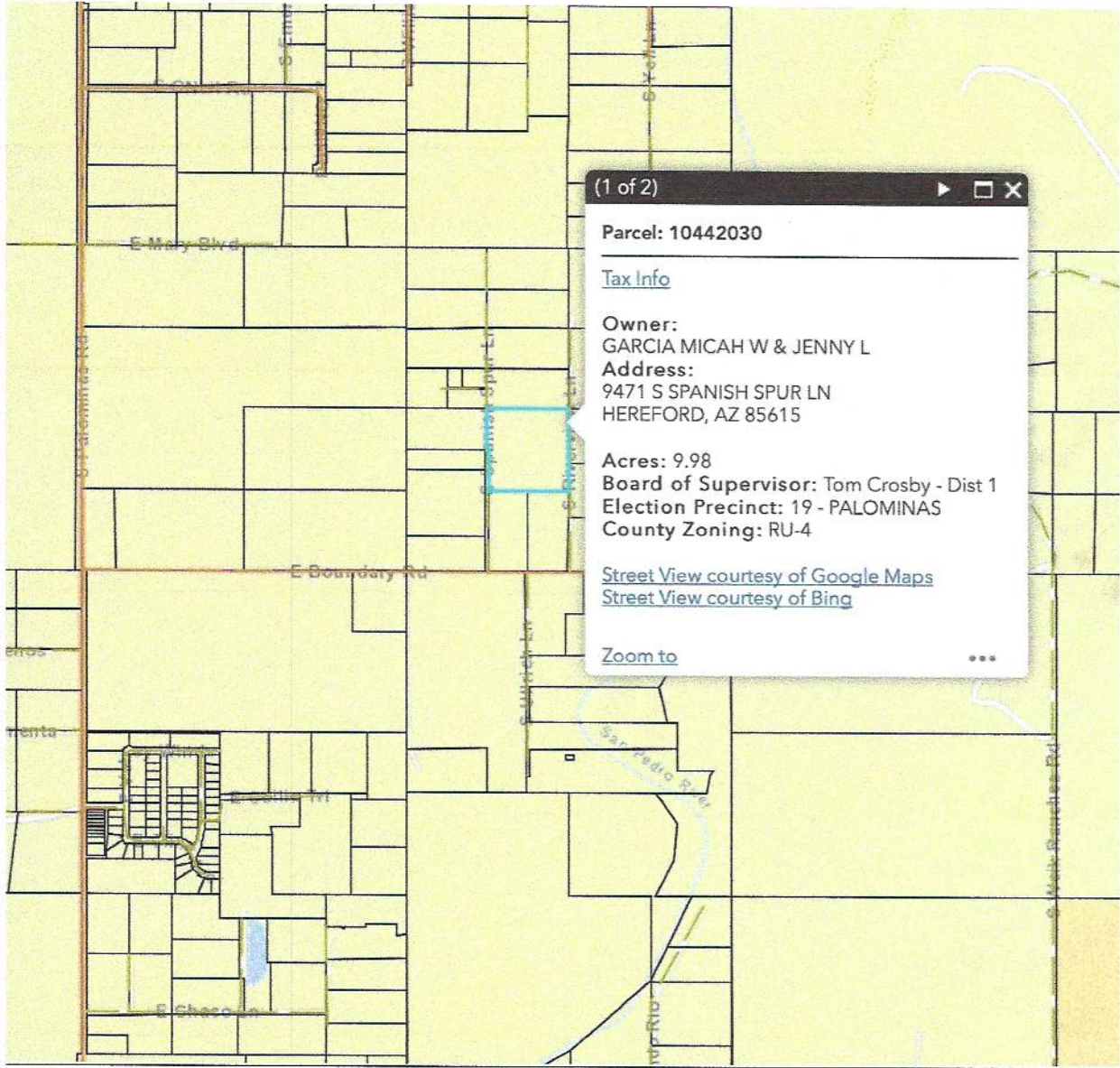
E X P L A N A T I O N

FILINGS AND DECREES

FILING 39-11407 - CLAIMS IRRIGATION, DOMESTIC, AND STOCKWATERING USES. NO IRRIGATION, DOMESTIC, OR STOCKWATERING USES WERE FOUND AT THE CLAIMED LOCATION.
 FILING 39-11407 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH REFLECTS INFORMATION PREVIOUSLY PROVIDED IN THE ORIGINAL STATEMENT OF CLAIMANT.

ATTACHMENT B

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



ATTACHMENT C

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

17 Joe P. Sparks and Laurel A. Herrmann
18 The Sparks Law Firm, P.C.
19 7503 First Street
20 Scottsdale, AZ 85251-4573

21 Micah W. & Jenny L. Garcia
22 9471 S. Spanish Spur Ln.
23 Hereford, AZ 85615

24 Richard Palmer, Jr., Jeremiah Weiner
25 and Lauren Mulhern
26 Rosette, LLP
27 565 W. Chandler Blvd. Suite 212
28 Chandler, AZ 85225

Russell & Patricia Williams
14237 N 182nd Ave.
Surprise, AZ 85388

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

1 Special Master Susan Ward Harris
2 Superior Court of Arizona
3 201 W. Jefferson Street
4 Courtroom 301
5 Phoenix, AZ 85003

6 The Williams Family Trust
7 Russell V. & Patricia A. Williams
8 14237 N. 182nd Ave.
9 Surprise, AZ 85388

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTACHMENT E



Court Connect Hearing Notice for In re Russell & Patricia Williams

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 Russell & Patricia Williams, Contested Case No. W1-11-1309

Start Date/Time: October 21, 2021 at 1:40 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](#)

