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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)

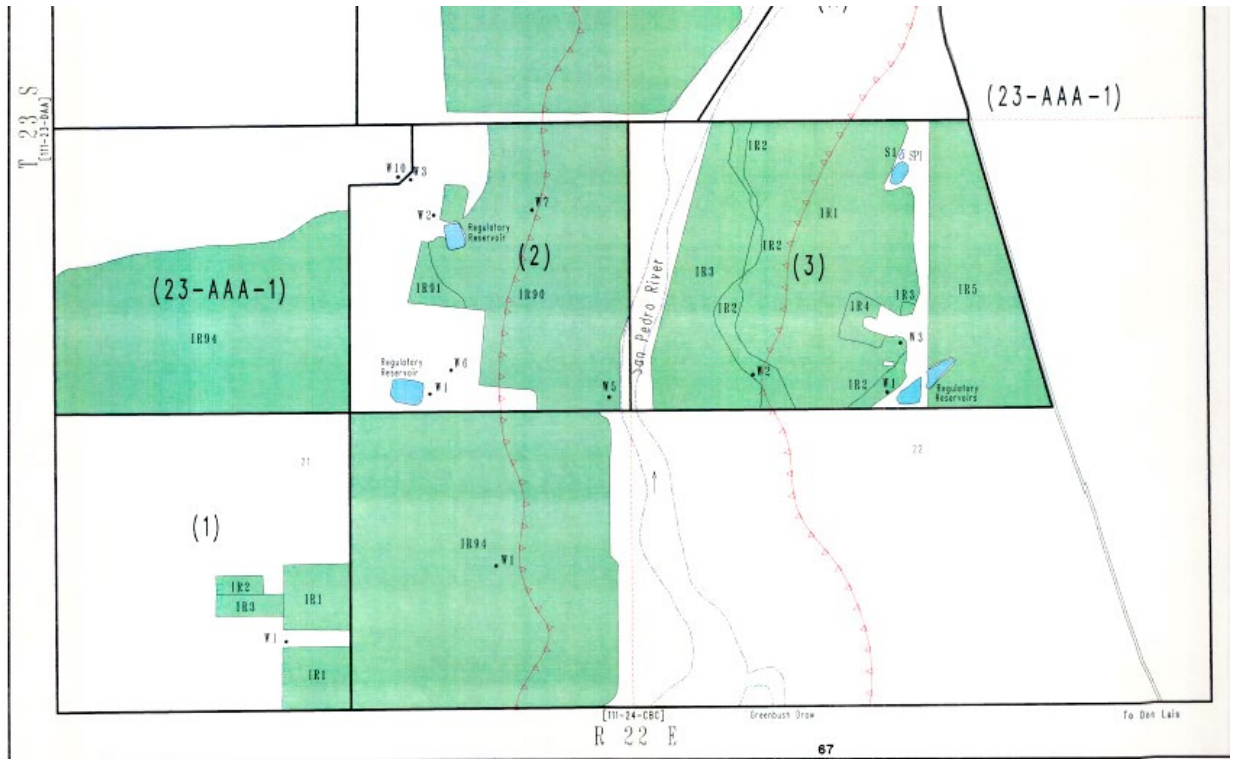
Contested Case No. W1-11-1344

ORDER ADDING ISSUES TO BE
ADDRESSED AT STATUS CONFERENCE

CONTESTED CASE NAME: *In re McDowell & Craig Manufacturing Co.*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Status Conference will include discussion of claims raised by the United States.
NUMBER OF PAGES: 14
DATE OF FILING: September 7, 2022

On August 10, 2022, the United States filed a Report in *In re San Pedro Riparian National Conservation Area*, Contested Case No. W1-11-232. A copy of the relevant portion of the United States' Report is attached as Attachment A. The Report included a discussion of Statements of Claimant 39-3796, 39-3799, and 39-11030 filed by the McDowell-Craig Mfg. Co., assigned to the Nature Conservancy, and reassigned to Walter and Mayola Kolbe ("Sec. 22 Statements of Claimant"). The Arizona Department of Water Resources investigated the Sec. 22 Statements of Claimant in Watershed File Report 111-24-CBB-003. A copy of the map

1 prepared by Arizona Department of Water Resources for Watershed File Report 111- 24-CBB-
2 003 is shown in *figure 1*.



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Figure 1. The land at issue is labelled as “(3)”.

17 The United States claims that it owns land on which the relevant sources of water are
18 located. It has further represented that it is in contact with Arizona Department of Water
19 Resources, Cochise County, Echoing Hope Ranch, and trustees of the Kolbe Living Trust about
20 its claims.


21
22 **IT IS ORDERED** that the Status Conference scheduled for October 27, 2022 at 2:00
23 p.m., shall include a procedural discussion of the issues presented in that portion of the United
24 States’ Report attached as Attachment A. The Status Conference shall be held using the Court
25 Connect program. Instructions for Court Connect are attached as Attachment B. If you receive
26 this Order by email, click on the red box “Join Court Connect Hearing” on the attached
27 instructions to make an appearance. If you do not receive this Order by email, log into the Court
28

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


5 Dial: 602-506-9695 (local)

6 1-855-506-9695 (toll free long distance)

7 Dial Collaboration (conference) Code 357264#
8
9

10
11 
12 SUSAN WARD HARRIS
13 Special Master
14

15 On September 8, 2022, 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 contested
19 case.

20 
21 Emily Natale
22
23
24
25
26
27
28

Court Approved Mailing List
In re Craig McDowell Manufacturing Co., Contested Case No. W1-11-1344
W1-11-1344 (47 Names)
Prepared by the Special Master
9/8/2022

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ATTACHMENT A

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]

5 **Echoing Hope and Kolbe claims** (WFR 111-24-CBB-003) SOCs: 39-3796, 39-3797,
6 39-3799, 39-11030

7 This WFR does not appear in contested case W1-11-232. Four SOCs (containing
8 three water right claims) in this WFR appear in contested case no. W1-11-1344 but
9 should be part of the United States' W1-11-232 case. In 1995, The Nature Conservancy
10 ("TNC") deeded lands and water rights in this WFR to both the United States Bureau of
11 Land Management and to Walter and Mayola Kolbe. Three water rights were deeded
12 solely to the United States BLM. Numerous errors by an adjacent landowner and by
13 ADWR over the years have left the ownership of these SOCs in the name of Echoing
14 Hope Ranch and Kolbe Living Trust, despite attempts to correct the issue. The United
15 States met with ADWR on June 22, 2022 to begin the process to correct the ownership
16 issues. The United States has also reached out to counsel for the Kolbes and for Echoing
17 Hope Ranch. By July 29, 2022, the BLM submitted paperwork to ADWR claiming these
18 SOCs. Additionally, at the request of ADWR, on August 5, 2022, the BLM sent a letter
19 to Director Buschatzke at ADWR about the ownership issues. The letter included
20 documents that prove BLM ownership. The BLM will have to work with three sections
21 within ADWR (wells, surface water, and adjudication) to correct the issue. BLM also
22 contacted the Cochise County Assessor office to correct parcel ownership.

23 On August 4, 2022, Echoing Hope sent out three proposed abstracts in case
24 W1-11-1344. In a letter attached to the abstracts, Echoing Hope indicated that it
25 had filed new SOCs and "36" basis of claims with ADWR for each of the three
26 claims. These new SOCs directly overlap SOCs filed by the BLM and conflict
27 with BLM's claims. In its letter, Echoing Hope stated,
28

1 The WFR [in each claim] references Statement of Claimant Nos. 39-
2 003799, 39-003798, 39-003796 39-003797 and 39-011030 which were the
3 subject of assignments and attempted clarification over the years. There
4 were a number of parcel splits from the larger ranch property that was
5 owned by McDowell Craig Manufacturing Co., named as the landowner in
6 the WFR. There were three wells in the same 10-acre quadrant that were
7 assigned by previous owners to successor land owners, but the well
8 descriptions in the accompanying filings were inconsistent. Additionally,
9 some filings were transferred twice and others not at all. Due to the
10 confusion resulting from parcel splits and what was being assigned, new
11 statements of claimant were drafted by Echoing Hope Ranch in an attempt
12 to clarify its claimed water rights.

13 As explained below, the BLM owns the land containing the water sources claimed
14 under SOCs 39-3799, 39-3796, and 39-3797. SOC 39-11030 seems to be a combination
15 of the three SOCs. An error by the Kolbes, the predecessors in interest to Echoing Hope,
16 created both an incorrect record of ownership with ADWR and incorrect locations of the
17 PODs. BLM has taken steps to correct both.

18 1. McDowell-Craig Irrigation Well (39-3799, 55-619258):

19 TNC largely granted the land around the McDowell-Craig Irrigation Well to the
20 Kolbes. However, TNC excepted from the Kolbe deed two 30 by 30 foot squares that
21 contain the McDowell-Craig Irrigation well and pump house. To the BLM, TNC granted
22 the two 30 by 30 foot squares of land around the well and pump, and an easement to
23 access the well and pump sites. BLM and the Kolbes had a Cooperative Agreement
24 allowing the Kolbes to use the well. Echoing Hope Ranch is the successor to the Kolbes.
25 In the last five years, BLM has internally worked to update the Cooperative Agreement
26 with Echoing Hope, however the ownership issues needed to be clarified first.
27 Ownership of the well remains with the BLM. The county assessor incorrectly listed
28 Echoing Hope Ranch as the owner of the two 30 by 30 foot parcels as Echoing Hope
Ranch. In July 2022, the BLM worked with the Cochise County Assessor to correct its
land ownership records associated with the McDowell-Craig Irrigation Well (39-3799).

1 The Cochise County Assessor's Office added parcel # 10438012F for the well site and
2 parcel # 10438012G for the pump site, with the USA C/O Bureau of Land Management
3 listed as the owner of the parcels. BLM will continue to work with ADWR and Echoing
4 Hope to clarify ownership.

5
6 2. McDowell-Craig Farm Well South (39-3796, 55-619260):

7 The McDowell-Craig Farm Well South was granted to the United States by TNC
8 in 1995. In 2006, the Kolbes sent a letter to ADWR stating that the Department made a
9 clerical error in listing the BLM as the owners of the well. ADWR changed its record of
10 ownership to Kolbes' name. The Kolbes also transferred the location of the well with
11 ADWR. BLM believes the Kolbes' mistook McDowell-Craig Farm Well South for the
12 McDowell-Craig Irrigation Well or the domestic well (39-3798, 55-619259) that was
13 located near/within their parcel. In 2012, Kolbe transferred ownership of the well to
14 Echoing Hope Ranch. The BLM has submitted paperwork and title documents to ADWR
15 to reinstate the BLM as owner of the well and to correct the location back to its original
16 coordinates.

17 On August 5, 2022, the BLM sent a separate letter to ADWR on the McDowell-
18 Craig Farm Well to clarify the issues on the ownership and location of the well.
19 ADWR's July 1, 2022 Report incorrectly placed this well at the NWSESE quadrant based
20 on the incorrect cadastral that was submitted by Kolbe in 2006. The well is located in the
21 NWSWSE.

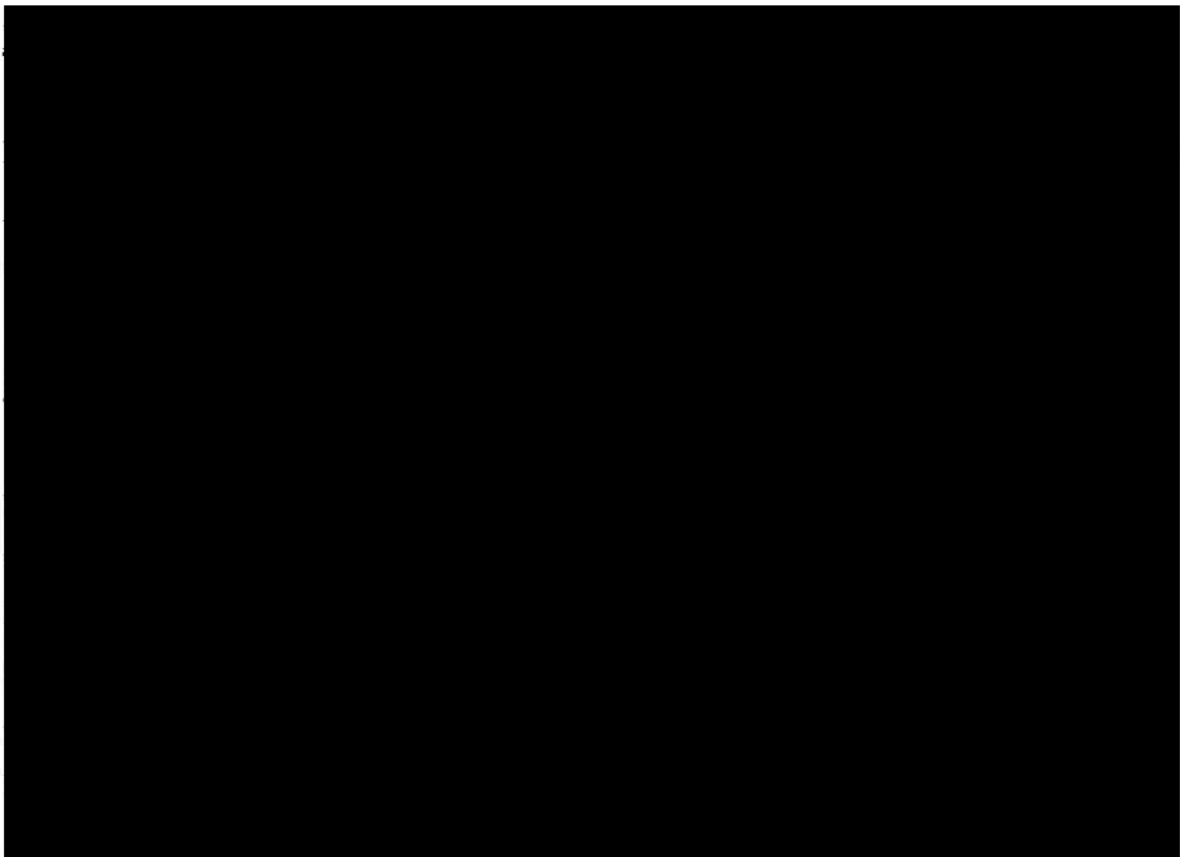
22
23 3. McDowell-Craig Spring (39-3797):

24 ADWR currently lists the Kolbes as the owners of the McDowell-Craig Spring.
25 However, in May 2022 BLM field crews verified the location of the spring in the NENW
26 of Section 22, which is land owned by the BLM. The BLM filed a public records request
27 with ADWR to locate the patent mentioned in the SOC for the spring with a priority date
28

1 of 2-22-1916. The BLM intends to file a claim, once more information is known about
2 the patent.

3
4 4. 39-11030:

5 This SOC seems to include the McDowell-Craig Farm Well South (39-3796, 55-
6 619260), the McDowell-Craig Irrigation Well (39-3799, 55-619258), the Mc Dowell-
7 Craig Spring (39-3797), and a domestic well (39-3798, 55-619259). BLM is claiming
8 39-3796, 39-3798, and 39-3799. (See Schedule A in the original SOC filing). Domestic
9 well 39-3799 belongs to the Kolbe Living Trust. The United States met with the Kolbe
10 Living Trust to discuss the domestic well. The Trust is claiming only the domestic well.
11 The United States, the Trust, and Echoing Hope will be meeting this week to continue to
12 discuss these claims.



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ATTACHMENT B



Court Connect Hearing Notice for In re McDowell & Craig Manufacturing Co.

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 McDowell & Craig Manufacturing Co., Contested Case No. W1-11-1344

Start Date/Time: October 27, 2022 at 2:00 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](#)

