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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. W1-11-1482

ORDER TO INITIATE CONTESTED CASE

AND

ORDER TO ARIZONA DEPARTMENT OF
WATER RESOURCES TO REVIEW
PROPOSED ABSTRACT

AND

ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re Virginia L. Keith*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Case initiated and status conference set for **December 2, 2021 at 2:30 p.m.** Arizona Department of Water Resources shall review the attached abstract and file a report by **October 25, 2021.**
NUMBER OF PAGES: 19
DATE OF FILING: September 24, 2021

1 **General Explanation**

2 This Order begins the process necessary to adjudicate claims for rights to appropriable
3 water for land that the Cochise County Assessor has identified as owned by Keith Family Ranch,
4 LLC. This contested case is one of the many cases in the General Stream Adjudication for the
5 San Pedro River Watershed to determine legal rights to water. Other cases in which claims have
6 been made to water in the San Pedro River Watershed have been completed, are in the process
7 of determining water rights, or awaiting initiation. The purpose of the General Adjudication is
8 to determine the rights of those persons who filed statements of claimant for rights to use
9 appropriable water. The General Adjudication will also determine water rights in the Upper Salt,
10 Verde, Upper Gila, Lower Gila, Agua Fria and Upper Santa Cruz watersheds.

11 In this case, Marion H. Keith ("Claimant") filed statements of claimant on February 4,
12 1980 for rights to use water for domestic, irrigation, and stock purposes on land in Section 28
13 Township 15S Range 20E. The Arizona Department of Water Resources ("ADWR")
14 investigated those claims and prepared a report known as Watershed File Report No. 112-14-
15 DAD-001 ("WFR") published in the Final San Pedro River Watershed Hydrographic Survey
16 Report (1991). A copy of the WFR is attached as Attachment A. The land included within the
17 boundaries of the WFR is shown on the map attached as Attachment B and labeled as "(1)".
18

19 The WFR found an irrigation use, a domestic use, and a stock use on the land described
20 in the WFR. The irrigation use is supplied by water from Well 1 and the domestic use is supplied
21 by water from Well 2. Both wells are located in the subflow zone according to ADWR. After
22 ADWR issued the WFR, objections were filed to the findings made in the WFR. The purpose
23 of this case is to consider the claims made for water rights that are the subject of the WFR and
24 resolve the objections to the WFR.
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1 **Claimant & Landowners**

2 The WFR identified five Statements of Claimant (“SOC”) relevant to the potential water
3 rights: 39-2618, 39-2624, 39-2625, 39-2627, and 39-2631. Marion H. Keith filed the SOCs
4 claiming water for irrigation, domestic, and stock uses. The WFR lists Virginia L. Keith as the
5 owner of the property described in the WFR. The public records maintained by the ADWR do
6 not include an assignment of the SOCs from the Claimant to successor landowners.

7 The records of the Cochise County Assessor list Keith Family Ranch, LLC as the owner
8 of the property described in the WFR. The records of the Cochise County Recorder include a
9 Deed of Distribution from the estate of Virginia L. Keith to Marion F. Keith on July 10, 1992,
10 recorded as document 1992-16198. Marion H. Keith and Cassandra Keith conveyed several
11 properties on October 20, 2017 to Keith Family Ranch, LLC, including parcel 208-10-011B,
12 recorded as document 2017-20484. A copy of a map prepared by the Cochise County Assessor
13 showing tax parcel no. 208-10-011B is attached as Attachment C.

14
15 **IT IS ORDERED:**

16 1. Contested Case. This contested case shall be known as *In re Virginia L. Keith*
17 and it will determine appropriable water rights asserted in the statements of claimant and
18 objections that were filed to Watershed File Report 112-14-DAD-001 published in the Final San
19 Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections can be found
20 under the case name and number on the following website:
21 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
22 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

23
24 2. Litigants. The litigants in this contested case are the Claimant, the current
25 landowner, all persons who filed objections to the WFR, who are included on Attachment D, and
26 claimants who are allowed to intervene by order.

27 3. Court-Approved Mailing List.

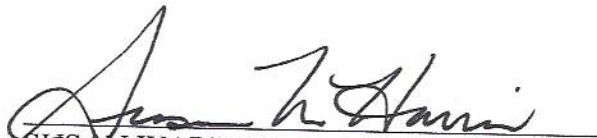
- 1 A. The initial Court-approved mailing list for this case shall include all
2 persons listed on Attachment D to this order. The list may be modified
3 only by filing a motion with the Special Master to amend the Court-
4 approved mailing list. Litigants are responsible for using the current
5 Court-approved mailing list.
6
7 B. A copy of any pleading filed with the Clerk of the Maricopa County
8 Superior Court in this case shall be served upon each person listed on the
9 Court-approved mailing list.
10 C. Claimants wishing to be added or removed from the mailing list shall file
11 a motion with the Special Master. Parties allowed to intervene will be
12 automatically added to the Court-approved mailing list.
13
14 D. The Clerk of the Court will send copies of all minute entries and orders
15 issued in this case to the parties listed on the Court-approved mailing list.
16 Upon request, the Clerk of the Court will provide copies by email. Parties
17 may request emailed copies of minute entries and orders by completing
18 and submitting a CONSENT FOR ELECTRONIC RECEIPT OF WATER
19 CASE DOCUMENTS, which is attached as Attachment E.
20

- 21 4. Arizona Department of Water Resources. By **October 25, 2021**, ADWR shall
22 review and file a report with its comments on the draft abstract attached as
23 Attachment F and prepare a map regarding the potential water right for a
24 stockpond.
25

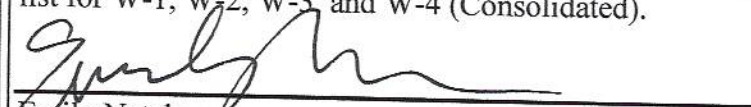
26 The Status Conference shall be held on **December 2, 2021 at 2:30 p.m.** The Status
27 Conference shall be held using the Court Connect program. Instructions for Court Connect are
28 attached as Attachment G. If you receive this Order by email, click on the red box "Join Court

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. You may also appear telephonically using the following instructions:

- 6 Dial: 602-506-9695 (local)
- 7 1-855-506-9695 (toll free long distance)
- 8 Dial Collaboration (conference) Code 357264#

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14 SUSAN WARD HARRIS
15 Special Master

16 On September 24, 2021, the original of the foregoing was
17 delivered to the Clerk of the Maricopa County Superior
18 Court for filing and distributing a copy to all persons
19 listed on the Court-approved mailing list for this contested
20 case, a copy of which is attached hereto as Attachment D,
21 and to all persons listed on the Court-approved mailing
22 list for W-1, W-2, W-3, and W-4 (Consolidated).

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ATTACHMENT A

LAND OWNER

WATERSHED FILE
REPORT NUMBER

KEITH, VIRGINIA L.

112-14-DAD-001

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES **W1-11-1482**

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE
36-0080576		IRRIGATION STOCK	330.00	NESE32	150S	200E	1885	SWNE32	150S	200E
				NW33	150S	200E		SENE06	160S	200E
38-0080569		STOCK OTHER	.30	SWSW28	150S	200E	1947	NESW28	150S	200E
39-0002618		STOCK	2.28	NESW28	150S	200E	1947		150S	200E
39-0002624		DOMESTIC STOCK	.34		28	150S 200E	1966	SESWSW28	150S	200E
39-0002625		IRRIGATION STOCK	330.00		28	150S 200E	1968	SESWSW28	150S	200E
39-0002627		IRRIGATION STOCK	330.00	SWNW28	150S	200E	1970	SESWSW28	150S	200E
39-0002631		IRRIGATION STOCK	360.00	SESWSW28	150S	200E	1968	SESWSW28	150S	200E
				SESW28	150S	200E				
				NESW28	150S	200E				

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0080576	IRRIGATION STOCK	IRRIGATION INCIDENTAL		IROO1
38-0080569	STOCK OTHER	STOCK NONAPPROPRIABLE		SPOO1
39-0002618	STOCK	STOCK		SPOO1
39-0002624	DOMESTIC STOCK	DOMESTIC INCIDENTAL	WO2	DMOO1
39-0002625	IRRIGATION STOCK	IRRIGATION INCIDENTAL	WO1	IROO1
39-0002627	IRRIGATION STOCK	IRRIGATION INCIDENTAL	WO1	IROO1
39-0002631	IRRIGATION STOCK	IRRIGATION INCIDENTAL	WO1	IROO1

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	SESWSW28	150S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO2	SESWSW28	150S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	NWNESW28	150S	200E	WO2	GROUNDWATER : ZONE 1		NO	
IROO1	NESW28	150S	200E	WO1	GROUNDWATER : ZONE 1	1972	NO	
	SESW28	150S	200E					
	SWSW28	150S	200E					

RESERVOIRS

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SPOO1	NWNESW28	150S	200E		SURFACE WATER	1955	UNNAMED	STOCKWATERING

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	WATER SOURCES AND CLASSIFICATIONS
			DATE BASIS FOR DATE	
D001	39-0002624	NONE		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
I001	39-0002625 39-0002625 39-0002627 39-0002631	36-0080576	1972 1972 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
S001	39-0002618	38-0080569	1955 1955 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
D001							SEE VOLUME 1 - GENERAL ASSESSMENT
I001	MAX. OBSERVED REGIONAL	20.0	PERM. PSTR	45%	7.0 AF/AC	140.0 AFA	
	MAX. POTENTIAL	20.0	AVE. CROP	50%	5.4 AF/AC	108.0 AFA	
S001	MAX. AREA/CAP	LT 2.0	ALFALFA	45%	7.4 AF/AC	148.0 AFA LTE 15.0 AF	

E X P L A N A T I O N

FILINGS AND DECREES

FILING 38-80569 - CLAIMS EROSION CONTROL AS AN "OTHER" WATER USE. EROSION CONTROL IS CONSIDERED TO BE A NONAPPROPRIABLE USE.

DIVERSIONS

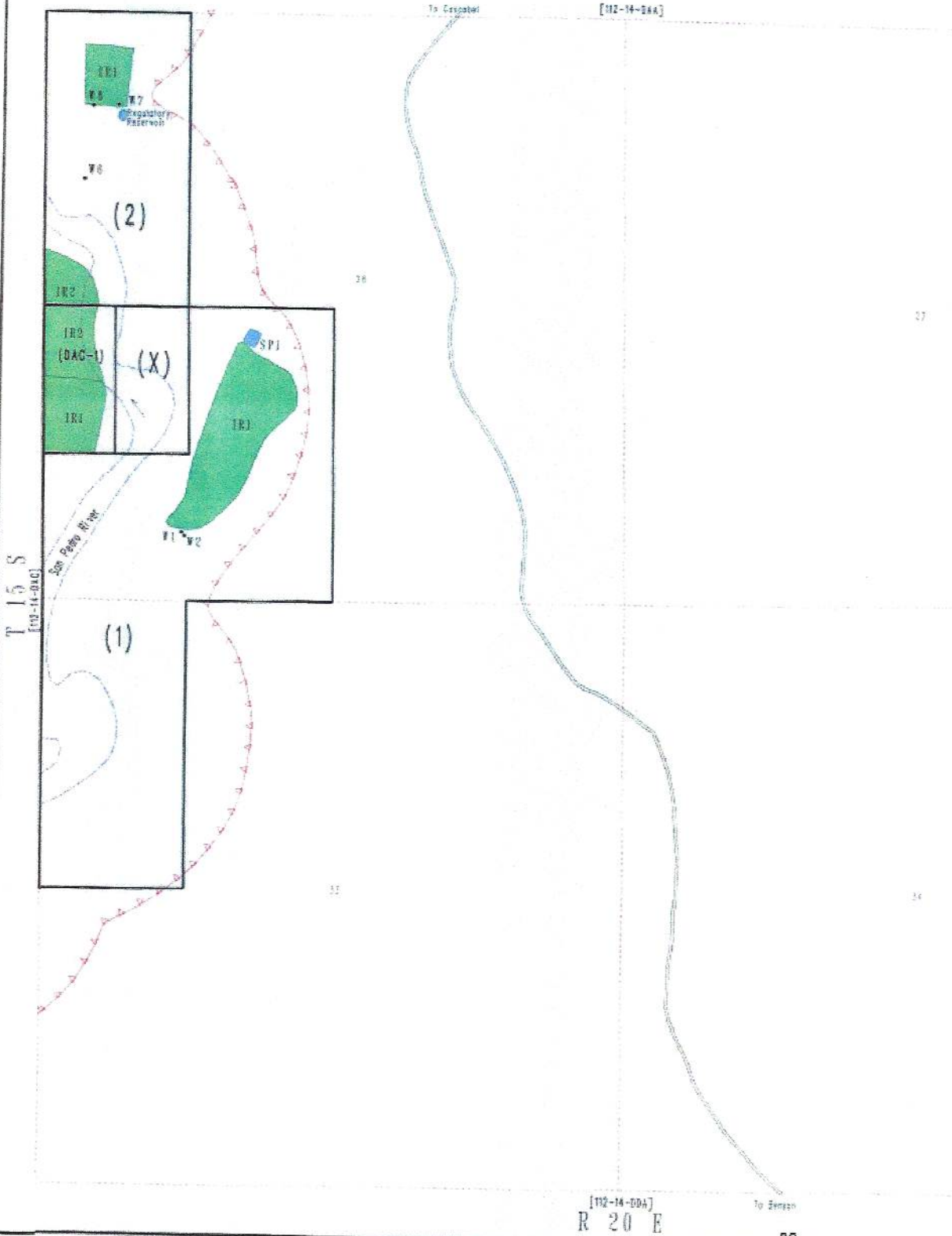
W1 - WELL PROVIDES WATER FOR IRRIGATION AND STOCKWATERING USES.
 W2 - WELL PROVIDES WATER FOR DOMESTIC AND STOCKWATERING USES.

USES AND RESERVOIRS

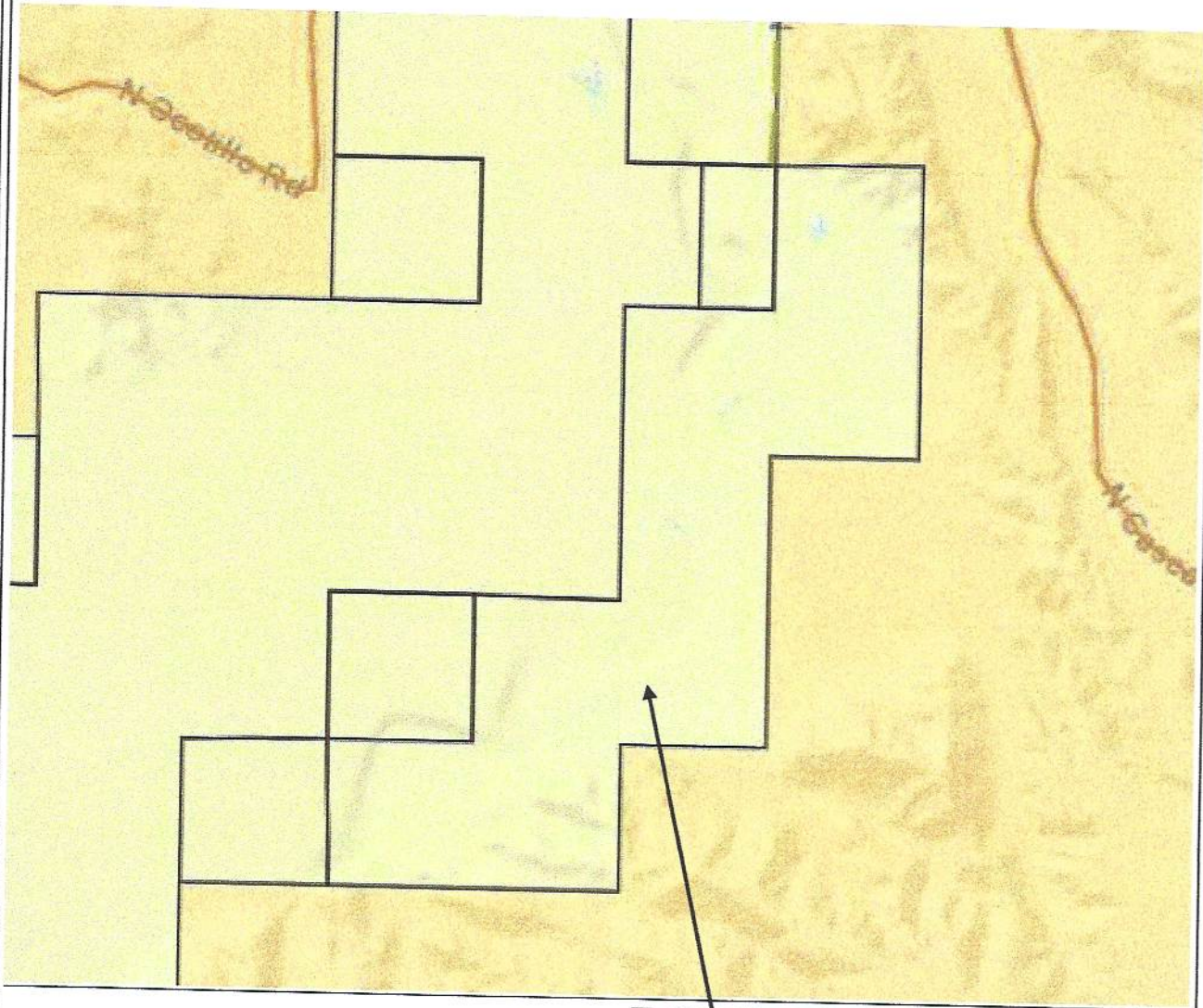
DM1 - DOMESTIC USE.
 IR1 - IRRIGATED PASTURE.
 SP1 - UNNAMED STOCKPOND.

ATTACHMENT B

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ATTACHMENT C



Owner: Keith Family Ranch, LLC
Parcel no: 208-10-011B
Address: PO Box 716, Benson, AZ
85602

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ATTACHMENT D

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

ASARCO Incorporated
Lauren J. Caster
Fennemore Craig, P.C.
2394 East Camelback Road
Suite 600
Phoenix, AZ 85016-3429

BHP Copper, Inc.
John D. Burnside
Snell & Wilmer, L.L.P.
400 E. Van Buren Street, Ste 1900
Phoenix AZ 85004

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

Keith Family Ranch, LLC
Despain Accounting Firm, Inc.
Dustin Despain
644 W. 4th St. Suite G
Benson, AZ 85602

Keith Family Ranch, LLC
John M. Keith
P.O. Box 716
Benson, AZ 85602

1 Marion Keith
2 P.O. Box 716
3 Benson, AZ 85602

4 Salt River Project
5 John B. Weldon, Jr., Mark A. McGinnis, and Michael Foy
6 Salmon, Lewis & Weldon PLC
7 2850 E Camelback Rd, Ste. 200
8 Phoenix, AZ 85016

9 San Carlos Apache Tribe
10 Joe P. Sparks and Laurel A. Herrmann
11 The Sparks Law Firm, P.C.
12 7503 First Street
13 Scottsdale, AZ 85251-4573

14 Special Master Susan Ward Harris
15 Superior Court of Arizona
16 201 W. Jefferson Street
17 Courtroom 301
18 Phoenix, AZ 85003

19 Tonto Apache Tribe
20 Richard Palmer, Jr., Jeremiah Weiner
21 and Lauren Mulhern
22 Rosette, LLP
23 565 W. Chandler Blvd. Suite 212
24 Chandler, AZ 85225

25 U. S. Department of Justice
26 Patrick Barry, Emmi Blades, Yosef Negose
27 Environment and Natural Resources
28 P. O. Box 7611
Washington, D.C. 20044-7611

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

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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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**Proposed Abstract of Water Right
San Pedro Watershed**

Attribute	Proposed Abstract of Water Right	ADWR Comments
1. Proposed Water Right No.:	112-14-DAD-001-SP001	
2. Owner of Water Right:		
3. Landowner:	Keith Family Ranch, LLC	
4. Statement of Claimant No.(s):	39-2618	
5. Statement of Claimant Name(s):	Marion H. Keith	
6. Lessee:		
7. Basis of Right:	38-80569	
8. Beneficial Use:	Stock and wildlife watering from a stock pond	
9. Priority Date:	December 31, 1955	
10. Quantity:	Not to exceed (\leq) 4-acre feet annually with continuous refill	
11. Place of Use:	NWNESW Sec. 28 T15S R20E of the Gila and Salt River Base and Meridian, Cochise County, Arizona (see attached map)	
12. Point of Diversion:	NWNESW Sec. 28 T15S R20E of the Gila and Salt River Base and Meridian, Cochise County, Arizona (see attached map)	
13. Source of Water:	San Pedro River	
14. Facility	Unnamed stock pond	

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ATTACHMENT G



Court Connect Hearing Notice for In re Virginia L. Keith

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 Virginia L. Keith, Contested Case No. W1-11-1482

Start Date/Time: December 2, 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](#)

