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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. W1-11-1495

ORDER TO INITIATE CONTESTED CASE

CONTESTED CASE NAME: *In re Raymond T. and Janet M. Harmon*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey WFR
DESCRIPTIVE SUMMARY: Case initiated and status conference set for **March 17, 2022 at 2:00 p.m.**
NUMBER OF PAGES: 14
DATE OF FILING: January 13, 2022

General Explanation

This Order begins the process necessary to adjudicate claims made for rights to appropriable water for use on land in section 15 Township 16S Range 21E that the Cochise County Assessor has identified as owned by Shawn Ray and Carlisa Burgess and the Kirkpatrick Family Trust. This contested case is one of the many cases in the Arizona General Stream Adjudication for the San Pedro River Watershed to determine legal rights to water. Other cases

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

7 In this case, Janet Harmon (“Claimant”) filed Statement of Claimant (“SOC”) 39-3074
8 on April 25, 1980. The Arizona Department of Water Resources (“ADWR”) investigated the
9 claim, which it characterized as a claim for irrigation and domestic uses on section 15
10 T16S R20E from a source in the NESESW section 15 T16S R20E, and prepared a report
11 known as Watershed File Report No. 112-14-DD-022 (“WFR”) published in the Final San
12 Pedro River Watershed Hydrographic Survey Report (1991). A copy of the WFR is attached
13 as Attachment A.

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

18 19 **Claimant & Landowners**

20
21 The WFR listed Janet M. and Raymond T. Harmon as the owners of the property. On
22 August 7, 2015, a warranty deed was filed naming Janet Marie Harmon Trust as the grantor and
23 the trustees of the Kirkpatrick Family Trust as the grantee for property located in N2SESW
24 Section 15 T16S R20E. On July 30, 2021, a warranty deed was filed naming the trustees of the
25 Kirkpatrick Family Trust as the grantor and Carlisa and Shawn Burgess as the grantee for parcel
26 D in the SW Section 15 T15S R20E. The records of the Cochise County Assessor indicate that
27 the owners of the land described in the WFR 112-14-DD-022 are the Kirkpatrick Family Trust
28 who own tax parcel numbers 208-31-002A, 208-31-002B, and 208-31-002C, and Shawn Ray

1 and Carlisa Burgess who own parcel 208-31-002D. The public records of the Arizona
2 Department of Water Resources do not contain an assignment of the SOC from Janet Harmon to
3 any successor landowner. A copy of the map prepared by the Cochise County Assessor showing
4 tax parcel numbers 208-31-002A, 208-31-002B, 208-31-002C, and 208-31-002D is attached as
5 Attachment B.

6
7 **IT IS ORDERED:**

8 1. Contested Case. This contested case shall be known as *In re Raymond T. and*
9 *Janet M. Harmon* and it will determine appropriable water rights asserted in the Statement of
10 Claimant and objections that were filed to Watershed File Report 112-17-087 published in the
11 Final San Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections can
12 be 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 landowners, all persons who filed objections to the WFR, and parties who are allowed to
17 intervene by order.

18
19 3. Court-Approved Mailing List.

20 A. The initial Court-approved mailing list for this case shall include all
21 persons listed on Attachment C to this order. The list may be modified
22 only by filing a motion with the Special Master to amend the Court-
23 approved mailing list. Litigants are responsible for using the current
24 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. Parties wishing to be added or removed from the mailing list shall file a
5 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 list.
10 Upon request, the Clerk of the Court will provide copies by email. Parties
11 may request emailed copies of minute entries and orders by completing
12 and submitting a CONSENT FOR ELECTRONIC RECEIPT OF WATER
13 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 intend to pursue claims for rights to appropriable
17 water for irrigation or stock watering use. If no person claiming a water right appears at the
18 Status Conference, then Statement of Claimant 39-4136 and this case will be dismissed and no
19 further action will be taken with respect to the WFR or the objections filed to the WFR.
20

21 The Status Conference shall be held on **March 17, 2022 at 2:00 p.m.** The Status
22 Conference shall be held using the Court Connect program. Instructions for Court Connect are
23 attached as Attachment E. 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 this
25 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 attend
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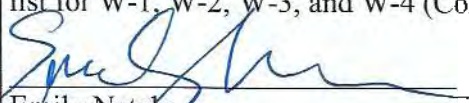
1 telephonically using the telephone number and access code included in the instructions for Court
2 Connect. Alternatively, you may attend telephonically using the following instructions:

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


SUSAN WARD HARRIS
Special Master

On January 13, 2022, the original of the foregoing was delivered to the Clrk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for this 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).


Emily Natale

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ATTACHMENT A

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
HARMON, RAYMOND T.	112-14-DD-022
& JANET M.	
% TONI SCHUMACHER	

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

WI-11-1495

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
39-0003074		IRRIGATION DOMESTIC		15	160S	200E	1980	NESESW15	160S	200E

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
39-0003074	IRRIGATION DOMESTIC	NONE 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	39-0003074	NONE		

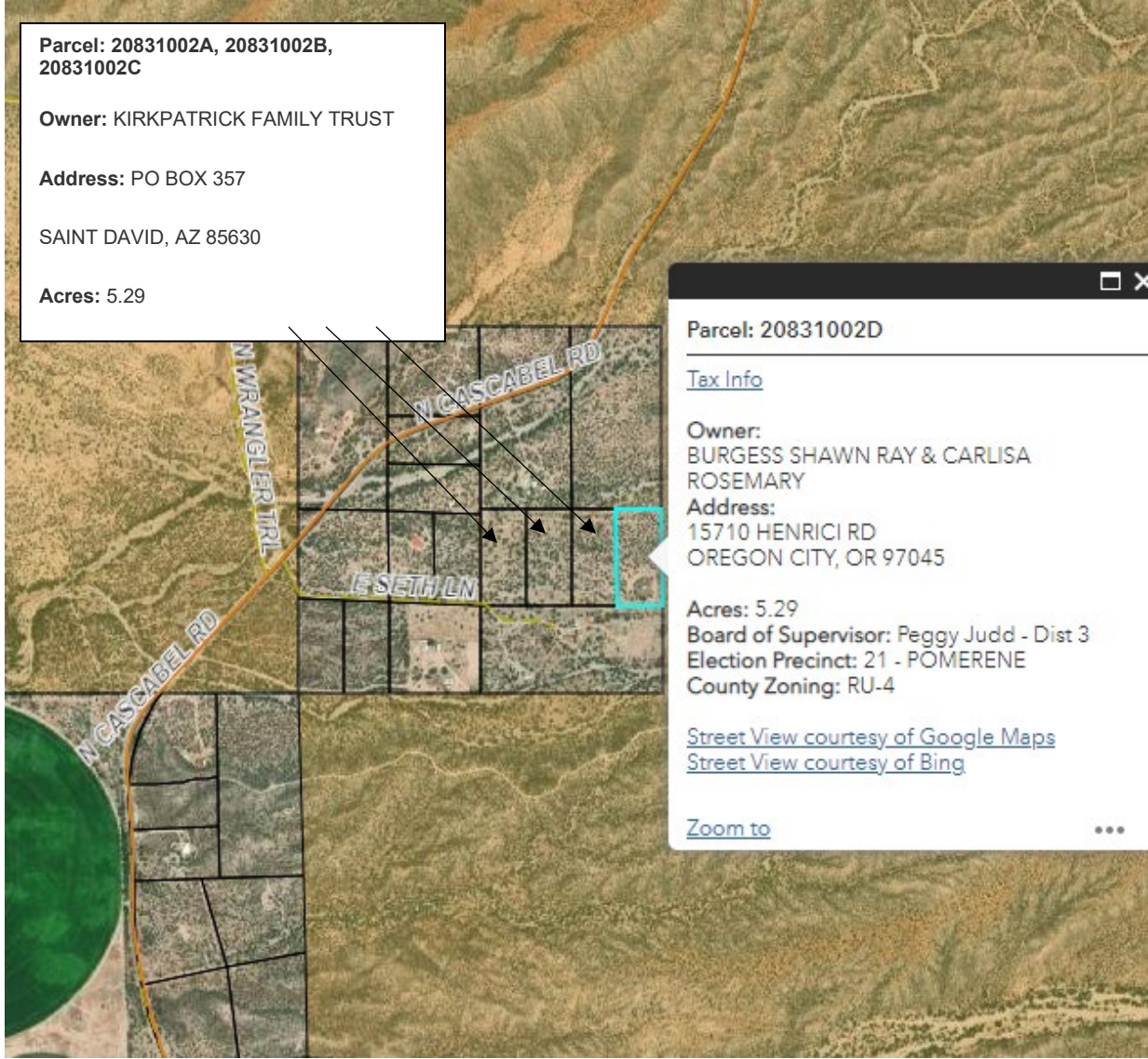
E X P L A N A T I O N

FILINGS AND DECREES

FILING 39-3074 - CLAIMS IRRIGATION AND DOMESTIC WATER USES. NO IRRIGATION OR DOMESTIC USES WERE FOUND AT THE CLAIMED LOCATION.

ATTACHMENT B

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ATTACHMENT C

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

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

Janet Harmon
Box 560
Sells Star Rt.
Tucson, AZ 85735

Janet Harmon
12810 West Cornell
Tucson, AZ 85736

Kirkpatrick Family Trust
P. O. Box 357
Saint David, Az 85630

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

Shawn and Carlisa Burgess
15710 Henrici Rd.
Oregon City, OR 97045

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

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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

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ATTACHMENT E



Court Connect Hearing Notice for In re Raymond T. & Janet M. Harmon

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 Raymond T. & Janet M. Harmon Contested Case No. W1-11-1495

Start Date/Time: March 17, 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](#)

