

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. W1-11-1530

ORDER TO INITIATE CONTESTED CASE
AND
ORDER TO SET STATUS CONFERENCE

CONTESTED CASE NAME: *In re Max J. Kartchner et al*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Case initiated and status conference set for **April 7, 2022 at 1:30 p.m.**
NUMBER OF PAGES: 14
DATE OF FILING: February 2, 2022

General Explanation

This Order begins the process necessary to adjudicate claims made for rights to appropriable water for use on land the Cochise County Assessor has identified as owned by Dragoon Ranch, LLC. 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

1 cases in which claims have been made for legal rights to water in the San Pedro River Watershed
2 have been completed, are in the process of determining water rights, or are awaiting initiation.
3 The 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

8 In this case, Max J. Kartchner *et al.* (“Claimants”) filed Statement of Claimant (“SOC”)
9 39-4118 on June 11, 1980 for rights to water for use on land in the northwest quarter of the
10 northeast quarter of the southwest quarter of Section 18 Township 16S Range 22E. The Arizona
11 Department of Water Resources (“ADWR”) investigated the claim, which it characterized as a
12 claim for irrigation and stock watering uses, and prepared a report known as Watershed File
13 Report No. 112-15-107 (“WFR”) published in the Final San Pedro River Watershed
14 Hydrographic Survey Report (1991). A copy of the WFR is attached as Attachment A.
15

16 The SOC claims 2.5 acre-feet annually of water for irrigation use and 146,000 gallons
17 annually for stock watering use with a priority date of 1912 from a well located in NESW Section
18 18 T16S R22E. The WFR found no irrigation use on the land described in the WFR. After
19 ADWR issued the WFR, objections were filed to the findings made in the WFR. The purpose
20 of this case is to consider the claims made for water rights that are the subject of the WFR and
21 resolve the objections to the WFR. The public records of ADWR do not show an assignment of
22 the SOC to successor landowners.
23
24
25

26 **Claimants & Landowner**

27 The WFR identified one SOC relevant to the potential water right: 39-4118. The
28 Claimants asserted rights to water for irrigation and stock watering uses. The WFR lists Max J.

1 and Donna L. Kartchner and Mark M. and Marion B. Kartchner as the owners of the property
2 described as located in NWNESW Section 18 Township 16S Range 22E. The public records of
3 the Cochise County Assessor list the Dragoon Ranch, LLC as the owners of the land described
4 in the WFR, which is part of tax parcel no. 208-49-009. The public records of the Arizona
5 Department of Water Resources do not contain an assignment of the SOC from Max Kartchner
6 *et al.* to Dragoon Ranch, LLC. A copy of the map prepared by the Cochise County Assessor
7 showing tax parcel no. 208-49-009 is attached as Attachment B.
8

9
10 **IT IS ORDERED:**

11 1. Contested Case. This contested case shall be known as *In re Max J. Kartchner et*
12 *al* and it will determine appropriable water rights asserted in the Statement of Claimant and
13 objections that were filed to Watershed File Report 112-15-107 published in the Final San Pedro
14 River Watershed Hydrographic Survey Report (1991). Copies of objections can be found under
15 the case name and number on the following website:
16 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
17 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
18

19 2. Litigants. The litigants in this contested case are the Claimants, the landowner, all
20 persons who filed objections to the WFR, and parties who are allowed to intervene by order.
21

22 3. Court-Approved Mailing List.

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

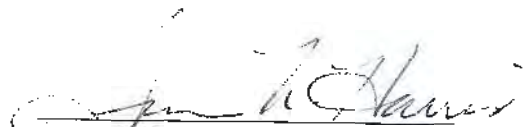
7
8 D. The Clerk of the Court will send copies of all minute entries and orders
9 issued in this case to the parties listed on the Court-approved mailing list.
10 Upon request, the Clerk of the Court will provide copies by email. Parties
11 may request emailed copies of minute entries and orders by completing
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 whether
16 the Claimants or current landowner, Dragoon Ranch, LLC, intend to pursue claims for rights to
17 appropriable water for irrigation or stock watering use. If no person claiming a water right
18 appears at the Status Conference, then Statement of Claimant 39-4118 and this case will be
19 dismissed and no further action will be taken with respect to the WFR or the objections filed to
20 the WFR.
21

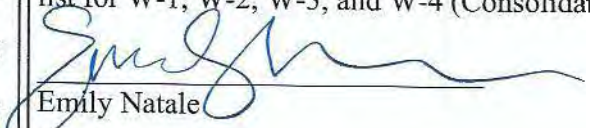
22 The Status Conference shall be held on **April 7, 2022 at 1:30 p.m.** The Status
23 Conference shall be held using the Court Connect program. Instructions for Court Connect are
24 attached as Attachment E. If you receive this Order by email, click on the red box “Join Court
25 Connect Hearing” on the attached instructions to make an appearance. If you do not receive this
26 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 attend
28

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:

3
4 Instructions for telephonic appearance:
5 Dial: 602-506-9695 (local)
6 1-855-506-9695 (toll free long distance)
7 Dial Participant Pass Code 357264#

8
9 
10 SUSAN WARD HARRIS
Special Master

11
12 On February 2, 2022, the original of the foregoing was
13 delivered to the Clerk of the Maricopa County Superior
14 Court for filing and distributing a copy to all persons
15 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).

16 
17 Emily Natale

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
KARTCHNER, MAX J. & DONNA L. KARTCHNER, MARK M. & MARION B.	112-15-107

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

W1-11-1530

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION			CLAIM DATE	DIVERSION LOCATION		
				SECTION	TWNP	RNGE		SECTION	TWNP	RNGE
36-0026205		STOCK	.45	NESW18	160S	220E	1912	NESW18	160S	220E
39-0004118		IRRIGATION	2.50	NWNE18	160S	220E	1912			
		STOCK	.45							

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	APPLIES TO
			DIVERSIONS	PWR NUMBERS
36-0026205	STOCK	CATALOGUED WELL		
39-0004118	IRRIGATION	NONE		
	STOCK	CATALOGUED WELL		

P W R S U M M A R Y

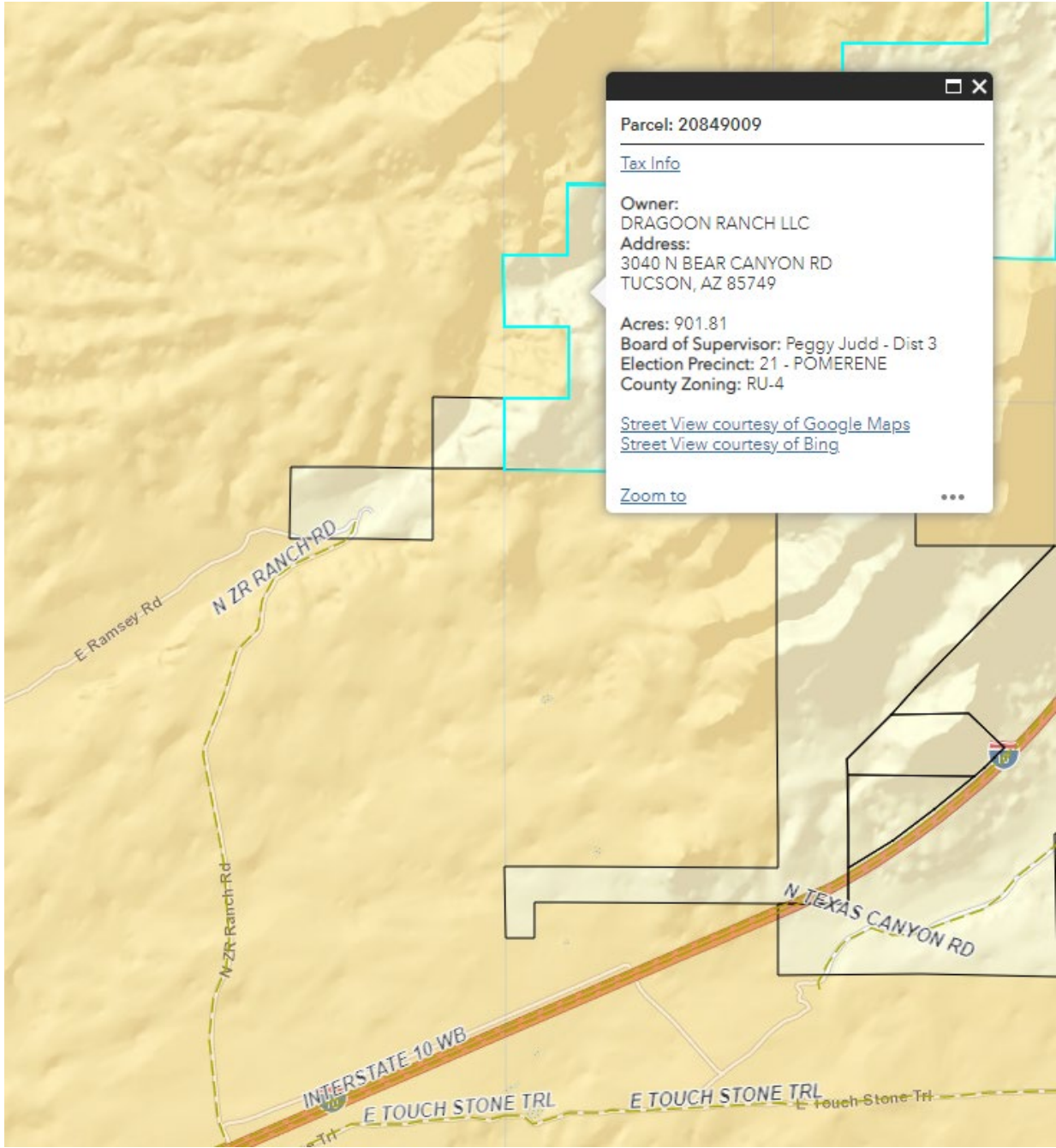
PWR #	APPLICABLE	APPLICABLE	*APPARENT FIRST USE DATE*	WATER SOURCES AND CLASSIFICATIONS
	ADJ FILINGS	PRE FILINGS	DATE BASIS FOR DATE	
NONE	39-0004118	36-0026205		

E X P L A N A T I O N

FILINGS AND DECREES
 FILING 39-4118 - CLAIMS IRRIGATION AND STOCKWATERING USES. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATION.

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
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

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

Dragoon Ranch, LLC
3040 N. Bear Canyon Rd.
Tucson, AZ 85749

Dragoon Ranch, LLC
C/O Gardarian and Cacy, PLLC
2200 E. River Rd. Suite 123
Tucson, AZ 85718

Max Kartchner
Rt. 1, Box 149
St. David, AZ 85630

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

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

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

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 Max J. Kartchner et al

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 Max J. Kartchner et al Contested Case No. W1-11-1530

Start Date/Time: April 7, 2022 at 1:30 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](#)

