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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. W1-11-1674

**ORDER TO INITIATE CONTESTED
CASE**

CONTESTED CASE NAME: *In re Gerald W. and Ila R. Tenney*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey WFR
DESCRIPTIVE SUMMARY: Case initiated and status conference set for **February 17, 2022**
at **1:45 p.m.**
NUMBER OF PAGES: 14
DATE OF FILING: January 10, 2022

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 Gerald and Ila Tenney. 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 in which claims have been made for legal rights to water in the San Pedro River Watershed

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

6 In this case, Kartchner Farms and Ranches, Inc. (“Claimant”) filed Statement of Claimant
7 (“SOC”) 39-4136 on June 11, 1980 for rights to water for use on land in the northwest quarter of
8 the northeast quarter of the northwest quarter of Section 27 Township 18S Range 21E. The
9 Arizona Department of Water Resources (“ADWR”) investigated the claim, which it
10 characterized as a claim for irrigation and stock watering uses, and prepared a report known as
11 Watershed File Report No. 112-17-087 (“WFR”) published in the Final San Pedro River
12 Watershed Hydrographic Survey Report (1991). A copy of the WFR is attached as Attachment
13 A.

14 The SOC filed includes claims for four acre-feet of water annually for irrigation use and
15 130,000 gallons annually for stock watering use with a priority date of 1909 from a well located
16 in NENW Section 27 T18S R21E. The WFR found no irrigation or domestic watering uses on
17 the land described in the WFR. After ADWR issued the WFR, objections were filed to the
18 findings made in the WFR. The purpose of this case is to consider the claims made for water
19 rights that are the subject of the WFR and resolve the objections to the WFR.
20

21 **Claimant & Landowners**

22
23 The WFR identified one SOC relevant to the potential water right: 39-4136. Kartchner
24 Farms and Ranches, Inc. filed the SOC claiming water for irrigation and stock watering uses.
25 The WFR lists Gerald W. and Ila R. Tenney as the owners of the property described as located
26 in the northeast quarter of the northwest quarter of Section 27 Township 18S Range 21E. The
27 records of the Cochise County Assessor indicate that Gerald and Ila Tenney are still the owners
28 of the land described in the WFR. Gerald and Ila Tenney own tax parcel no. 121-31-001. The

1 public records of ADWR do not contain an assignment of the SOC from Kartchner Farms and
2 Ranches Inc. to Gerald and Ila Tenney. A copy of the map prepared by the Cochise County
3 Assessor showing tax parcel no. 121-31-001 is attached as Attachment B.

4
5 **IT IS ORDERED:**

6 1. Contested Case. This contested case shall be known as *In re Gerald W. and Ila*
7 *R. Tenney* and it will determine appropriable water rights asserted in the Statement of Claimant
8 and objections that were filed to Watershed File Report 112-17-087 published in the Final San
9 Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections can be found
10 under the case name and number on the following website:
11 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
12 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

13 2. Litigants. The litigants in this contested case are the Claimant, the landowners, all
14 persons who filed objections to the WFR, and parties who are allowed to intervene by order.

15
16 3. Court-Approved Mailing List.

17 A. The initial Court-approved mailing list for this case shall include all
18 persons listed on Attachment C to this order. The list may be modified
19 only by filing a motion with the Special Master to amend the Court-
20 approved mailing list. Litigants are responsible for using the current
21 Court-approved mailing list.
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23 B. A copy of any pleading filed with the Clerk of the Maricopa County
24 Superior Court in this case shall be served upon each person listed on the
25 Court-approved mailing list.
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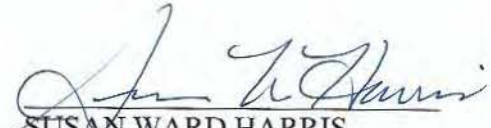
1 C. Claimants wishing to be added to or removed from the mailing list shall
2 file a motion with the Special Master. Parties allowed to intervene will be
3 automatically added to the Court-approved mailing list.

4 D. The Clerk of the Court will send copies of all minute entries and orders
5 issued in this case to the parties listed on the Court-approved mailing list.
6 Upon request, the Clerk of the Court will provide copies by email. Parties
7 may request emailed copies of minute entries and orders by completing
8 and submitting a CONSENT FOR ELECTRONIC RECEIPT OF WATER
9 CASE DOCUMENTS, which is attached as Attachment D.
10

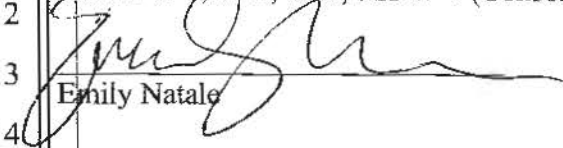
11 4. Status Conference. An initial status conference shall be held to determine
12 whether the Claimant and current landowners, Gerald and Ila Tenney, intend to pursue claims
13 for rights to appropriable water for irrigation or stock watering use. If no person claiming a water
14 right appears at the Status Conference, then Statement of Claimant 39-4136 and this case will be
15 dismissed and no further action will be taken with respect to the WFR or the objections filed to
16 the WFR.
17

18 The Status Conference shall be held on **February 17, 2022 at 1:45 p.m.** The Status
19 Conference shall be held using the Court Connect program. Instructions for Court Connect are
20 attached as Attachment E. If you receive this Order by email, click on the red box “Join Court
21 Connect Hearing” on the attached instructions to make an appearance. If you do not receive this
22 Order by email, log into the Court Connect program on the internet by typing
23 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend
24 telephonically using the telephone number and access code included in the instructions for Court
25 Connect. Alternatively, you may attend telephonically using the following instructions:
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1 Instructions for telephonic appearance:
Dial: 602-506-9695 (local)
2 1-855-506-9695 (toll free long distance)
Dial Participant Pass Code 357264#
3


SUSAN WARD HARRIS
Special Master

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8 On January 10, 2022, the original of the foregoing was
9 delivered to the Clerk of the Maricopa County Superior
Court for filing and distributing a copy to all persons
10 listed on the Court-approved mailing list for this contested
case, a copy of which is attached hereto as Attachment C,
11 and to all persons listed on the Court-approved mailing
list for W-1, W-2, W-3, and W-4 (Consolidated).
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Emily Natale
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ATTACHMENT A

LAND OWNER	WATERSHED FILE REPORT NUMBER
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TENNEY, GERALD W. & ILA R.	112-17-087

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

WI-11-1674

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
36-0026300		IRRIGATION DOMESTIC STOCK	12.89	NENW27	180S	210E	1942	NENW27	180S	210E
39-0004136		IRRIGATION STOCK	4.00 .40	NWENW27	180S	210E	1909	NENW27	180S	210E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0026300	IRRIGATION DOMESTIC STOCK	NONE NONE CATALOGUED WELL	WO1	
39-0004136	IRRIGATION STOCK	NONE CATALOGUED WELL	WO1	

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	NENENW27	180S	210E	UNNAMED	GROUNDWATER : CATALOGUED

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
NONE	39-0004136	36-0026300		

EXPLANATION

FILINGS AND DECREES

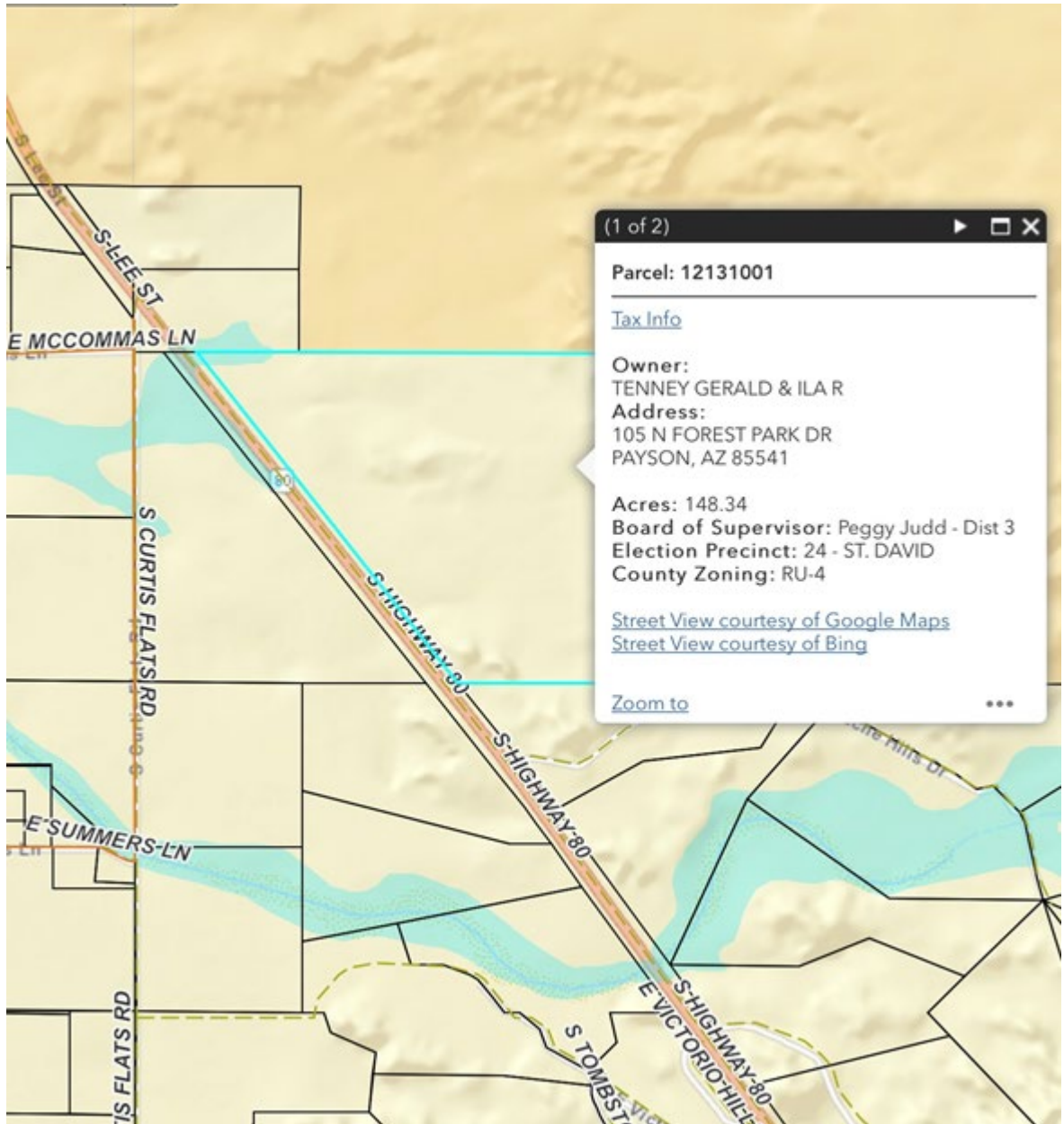
FILING 36-26300 - CLAIMS IRRIGATION, DOMESTIC, AND STOCKWATERING USES. NO IRRIGATION OR DOMESTIC USES WERE FOUND AT THE CLAIMED LOCATION.
 FILING 39-4136 - CLAIMS IRRIGATION AND STOCKWATERING USES. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATION.

DIVERSIONS

W1 - A CATALOGUED WELL PROVIDES WATER FOR STOCKWATERING USES.

ATTACHMENT B

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ATTACHMENT C

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

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

7 Clerk of the Superior Court
8 Maricopa County
9 Attn: Water Case
10 601 West Jackson Street
11 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

12 Gerald and Ila Tenney
13 105 N. Forest Park Dr.
14 Payson, AZ 85541

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

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

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

20 Kartchner Farms and Ranches, Inc.
21 Rt. 1 Box 149
22 St. David, Arizona 85630

23 San Carlos Apache Tribe
24 Joe P. Sparks and Laurel A. Herrmann
25 The Sparks Law Firm, P.C.
26 7503 First Street
27 Scottsdale, AZ 85251-4573
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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 Gerald W. and Ila R. Tenney

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 Gerald W. and Ila R. Tenney Contested Case No. W1-11-1674

Start Date/Time: February 17, 2022 at 1:45 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](#)

