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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. W1-11-1890

ORDER TO INITIATE CONTESTED CASE

AND

ORDER SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re Winifred J. Bundy*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Case initiated and status conference set for **December 3, 2021 at 3:30 p.m.**

NUMBER OF PAGES: 17

DATE OF FILING: October 12, 2021

General Explanation

This Order begins the process necessary to adjudicate claims for rights to appropriable water for land that the Cochise County Assessor has identified as owned by trustee of the W J Trust. This contested case is one of the many cases in the General Stream Adjudication for the San Pedro River watershed to determine legal rights to water. Other cases in which claims have

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

7 In this case, Max J. Kartchner ("Claimant") filed Statement of Claimant 39-3896 on June
8 13, 1980 for rights to use water for stockpond, domestic, and irrigation purposes on land in
9 SWNE Section 24 Township 17S Range 20E. On January 14, 1985, Winifred Bundy filed
10 Statements of Claimant 39-12453, 39-12454, 39-12455, 39-12456, and 39-12457 for domestic,
11 irrigation, and stock watering on Section 28 T16S R20E. The Arizona Department of Water
12 Resources ("ADWR") investigated those claims and prepared a report known as Watershed File
13 Report No. 112-17-BAB-001 ("WFR") published in the Final San Pedro River Watershed
14 Hydrographic Survey Report (1991). A copy of the WFR is attached as Attachment A. A copy
15 of the map prepared by ADWR, on which the land investigated is labeled as "(1)", is attached as
16 Attachment B.

17 The WFR found domestic and discontinued irrigations uses of water on the land. It listed
18 two wells as the source of the water for domestic use and four wells as the source of water for
19 irrigation use. Arizona Department of Water Resources has determined that the four wells that
20 it reported as the source of water for irrigation use are located in the subflow zone. After ADWR
21 issued the WFR, objections were filed to the findings made in the WFR. The purpose of this
22 case is to consider the claims made for water rights that are the subject of the WFR and resolve
23 the objections to the WFR.

24 **Claimants & Landowners**

25
26
27 The WFR identified six Statement of Claimant (SOC) relevant to the potential water
28 rights: 39-3896, 39-12453, 39-12454, 39-12455, 39-12456, and 39-12457. The Claimants named

1 in these Statements of Claimant are Max Kartchner and Winifred Bundy. The WFR lists
2 Winifred Bundy as the owner of the property described in the WFR. The records of the Cochise
3 County Assessor list the trustee of the W J Trust as the owner of the property described in the
4 WFR. A copy of a map prepared by the Cochise County Assessor showing tax parcels is attached
5 as Attachment C.

6
7 **IT IS ORDERED:**

8 1. Contested Case. This contested case shall be known as *In re Winifred J. Bundy*
9 and it will determine appropriable water rights asserted in the Statement of Claimant and
10 objections that were filed to Watershed File Report 112-17-BAB-001 published in the Final San
11 Pedro River Watershed Hydrographic Survey Report (1991). Copies of objections can be found
12 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 Claimants, the current
16 landowners, all persons who filed objections to the WFR, who are included on Attachment D,
17 and parties who are allowed to intervene by order.

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19 3. Court-Approved Mailing List.

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

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15 4. Status Conference.

- 16 A. An initial status conference shall be held to determine whether the
17 Claimants, and the trustee of the W J Bundy Trust intend to pursue claims
18 for rights to appropriable water. If so, the parties seeking water rights
19 shall be prepared at the Status Conference to provide information about
20 efforts undertaken to assign or file a Statement of Claimant.
- 21
22 B. If the Claimants or current landowner intends to pursue rights to
23 appropriable water for use on the land, the parties will be expected to
24 advise whether they are interested in pursuing discussions to resolve the
25 objections to the WFR and the amount of time that the parties believe
26 will be necessary to complete those discussions.
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1 C. If the objections cannot be settled, then a subsequent date will be set for
2 a scheduling conference to identify issues, file disclosure statements,
3 conduct discovery, submit prehearing motions, and hold a trial. No party
4 shall conduct any discovery or file any motions prior to the Status
5 Conference.
6

7 The Status Conference shall be held on **December 3, 2021 at 3:30 p.m.** The Status
8 Conference shall be held using the Court Connect program. Instructions for Court Connect are
9 attached as Attachment F. If you receive this Order by email, click on the red box "Join Court
10 Connect Hearing" on the attached instructions to make an appearance. If you do not receive this
11 Order by email, log into the Court Connect program on the internet by typing
12 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend
13 telephonically using the telephone number and access code included in the instructions for Court
14 Connect. Alternatively, you may appear telephonically using the following instructions:

15 Instructions for telephonic appearance:
16 Dial: 602-506-9695 (local)
17 1-855-506-9695 (toll free long distance)
18 Dial Participant Pass Code 357264#
19

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21 
22 SUSAN WARD HARRIS
23 Special Master
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1 On October 12, 2021, the original of the foregoing was
2 delivered to the Clerk of the Maricopa County Superior
3 Court for filing and distributing a copy to all persons
4 listed on the Court-approved mailing list for this contested
5 case, a copy of which is attached hereto as Attachment C,
6 and to all persons listed on the Court-approved mailing
7 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

BUNDY, WINIFRED J.

112-17-BAB-001

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES **W1-11-1890**

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE
39-0003898	QUE.RECD	IRRIGATION STOCK	300.00 6.00	NWSE28 SENW28 SWNE28	160S	200E	1870	NWNWSE28	160S	200E
39-0012453	QUE.RECD	DOMESTIC STOCK	2.00	NENWSW28	160S	200E	1900	SWNWSE28	160S	200E
39-0012454	QUE.RECD	IRRIGATION STOCK	360.00 2.00	SENW28	160S	200E	1900	SWSWSE28	160S	200E
39-0012455	QUE.RECD	IRRIGATION DOMESTIC STOCK	24.00 2.00 2.00	NENWSW28	160S	200E	1900	NENWSW28	160S	200E
39-0012456	QUE.RECD	REC/FISH/WLDFL DOMESTIC STOCK	2.00	SESWNW28	160S	200E	1900	SESWNW28	160S	200E
39-0012457	QUE.RECD	IRRIGATION STOCK	455.40 2.00	NWNW28 SESW28	160S	200E	1900	NWNWSE20	160S	200E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0003898	IRRIGATION STOCK	IRRIGATION INCIDENTAL	WO1, WO2, WO3, WO4	IROO1, IROO2
39-0012453	DOMESTIC STOCK	CATALOGUED WELL	WO6	DMOO1
39-0012454	IRRIGATION STOCK	IRRIGATION INCIDENTAL	WO2, WO3, WO4, WO5	IROO1, IROO2
39-0012455	IRRIGATION DOMESTIC STOCK	NONE CATALOGUED WELL	WO6	DMOO1
39-0012456	WILDLIFE DOMESTIC STOCK	CATALOGUED WELL	WO7	DMOO1
39-0012457	IRRIGATION STOCK	IRRIGATION INCIDENTAL	WO1, WO2, WO3, WO4	IROO1, IROO2

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	NWNWSE28	160S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO2	SWSWSE28	160S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO3	NWSWSE28	160S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO4	NWNWSE28	160S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
WO5	SWSWNE28	160S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER UNUSED
WO6	NENWSW28	160S	200E	UNNAMED	GROUNDWATER : CATALOGUED
WO7	SESWNW28	160S	200E	UNNAMED	GROUNDWATER : CATALOGUED

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	NENWSW28	160S	200E	WO6, WO7	GROUNDWATER : CATALOGUED		NO	
IRO90	NE28	160S	200E	WO1, WO2, WO3	GROUNDWATER : ZONE 1	1964	NO	
	NW28	160S	200E	WO4				
	SW28	160S	200E					
IRO91	NESW28	160S	200E	WO1, WO2, WO3	GROUNDWATER : ZONE 1	1972	NO	
	SESW28	160S	200E	WO4				

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DM001	39-0012453 39-0012455 39-0012456	NONE		GROUNDWATER : CATALOGUED
IR090	39-0003898 39-0012454 39-0012457	NONE	1964 1964 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR091	39-0003898 39-0012454 39-0012457	NONE	1972 1972 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE 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
DM001							SEE VOLUME 1 - GENERAL ASSESSMENT DISCONTINUED IRRG. DISCONTINUED IRRG.
IR090	REGIONAL	114.1	NO CROP				
IR091	REGIONAL	23.4	NO CROP				

E X P L A N A T I O N

FILINGS AND DECREES

FILINGS 39-3898, 39-12453, 39-12454, 39-12455, 39-12456 & 39-12457 - UNIFORM QUESTIONNAIRES WERE RECEIVED WHICH PROVIDED ADDITIONAL DETAILED INFORMATION FOR THE WELLS USED ON THIS PROPERTY.

DIVERSIONS

W1-W4 - WELLS PROVIDE WATER FOR IRRIGATION AND STOCKWATERING USES.
W5 - UNUSED WELL.
W6 & W7 - CATALOGUED WELLS PROVIDE WATER FOR DOMESTIC AND STOCKWATERING USES.

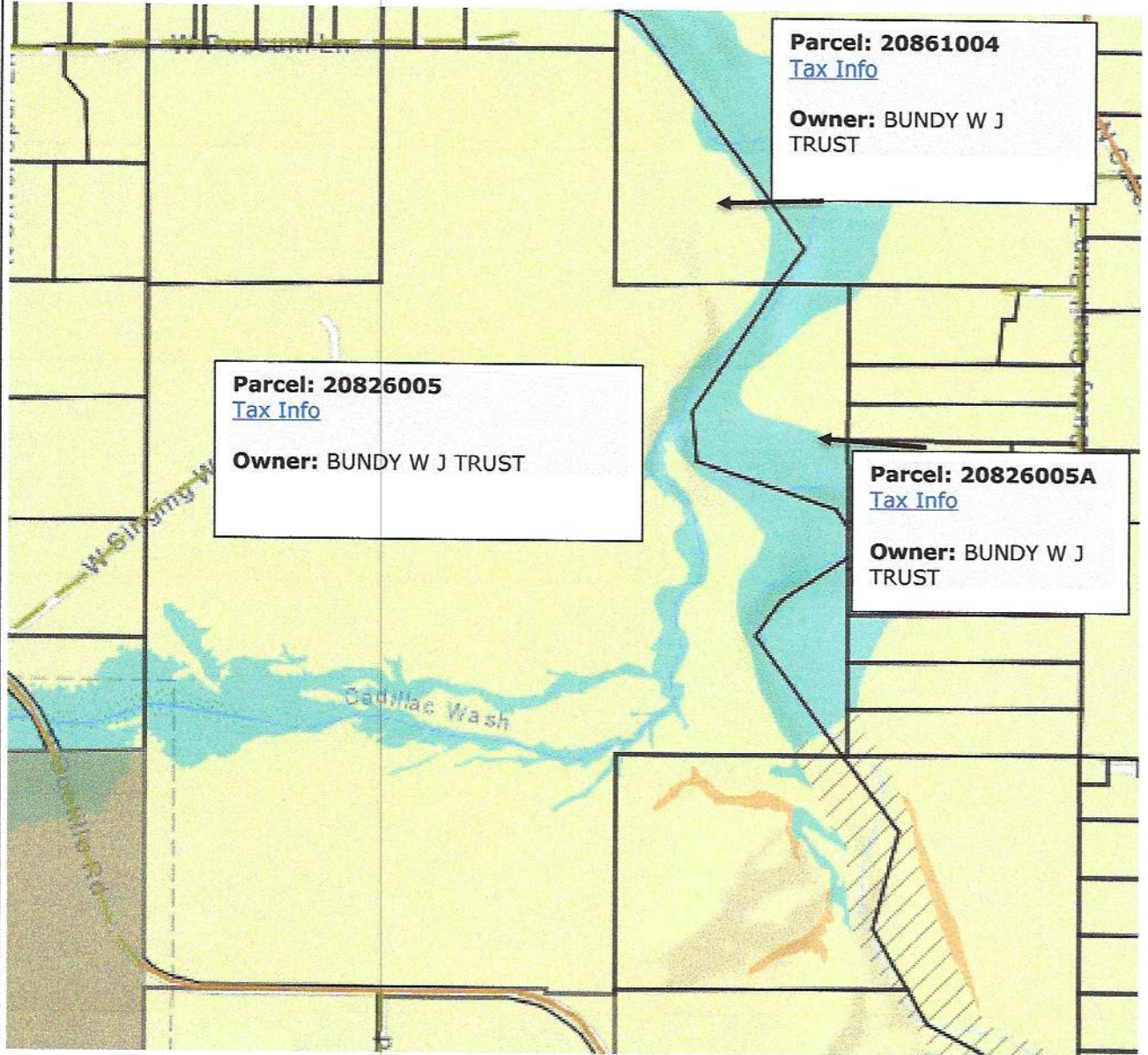
USES AND RESERVOIRS

DM1 - DOMESTIC USE.
IR90 & IR91 - DISCONTINUED IRRIGATION: D.W.R. HAS DETERMINED THAT NO IRRIGATION HAS OCCURRED ON THIS PROPERTY IN THE LAST FIVE YEARS, BUT THERE HAS BEEN IRRIGATION WITHIN THE PAST TEN YEARS BASED UPON A REVIEW OF HISTORICAL AERIAL PHOTOGRAPHY AND FIELD INVESTIGATIONS.
TWO TAILWATER RESERVOIRS ARE USED FOR STOCKWATERING PURPOSES.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT FROM THE 1987 PRELIMINARY H.S.R. WAS RECEIVED FROM THE LAND OWNER WHICH INDICATED THAT THE CLAIMANT BELIEVED MORE IRRIGABLE ACREAGE SHOULD HAVE BEEN REPORTED. ANALYSIS OF AERIAL PHOTOGRAPHY INDICATED NO ADDITIONAL IRRIGATED ACREAGE.
A COMMENT WAS RECEIVED FROM THE LAND OWNER WHICH SUPPLIED ADDITIONAL INFORMATION AND DOCUMENTATION FOR THE PURPOSE OF SUBSTANTIATING EARLIER WATER RIGHTS.

ATTACHMENT C



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ATTACHMENT D

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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

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

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

Richard Palmer, Jr., Jeremiah Weiner
and Lauren Mulhern
Rosette, LLP
565 W. Chandler Blvd. Suite 212
Chandler, AZ 85225

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

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

Trustee of the W J Bundy Trust
P.O. Box 2197
Benson, Az 85602

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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



Court Connect Hearing Notice for In re Winifred J. Bundy

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 Winifred J. Bundy, Contested Case No. W1-11-1890

Start Date/Time: December 3, 2021 at 3:30 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](#)

