

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. **W1-11-1983**

**ORDER INITIATING CONTESTED
CASE AND SETTING INITIAL
CONFERENCE**

CONTESTED CASE NAME: *In re Rancho Rio Vista Inc.*
HSR INVOLVED: San Pedro Hydrographic Survey.
DESCRIPTIVE SUMMARY: The Clerk of Maricopa County Superior Court is directed to initiate W1-11-1983. Initial conference set for **May 23, 2024 at 10:00 a.m.**
NUMBER OF PAGES: 18

General Explanation

This order opens a case to determine rights to use water on land owned by Carron Elford, Catherine Lasher, William Roseberry, Annette Johansen, Marcus Tucker, Kimberly and Paul Skolkin, Seth Wilson and Chelsy Hinton, and Marm LLC.

The first step in this case is an initial conference with the Court, scheduled for **May 23, 2024 at 10:00 a.m.** to determine if landowners are interested in pursuing potential water rights. Interested Parties **MUST** attend the scheduled initial conference if they plan to pursue potential water rights. Failure to appear at the initial conference could

1 result in the dismissal of the case and the loss of water rights associated with the
2 properties.

3 In this case, four Statements of Claimant (“SOCs”), 39-3888, 39-6572, 39-11756,
4 and 39-11757, were filed between June 1980 and January 1985 by Max J. Kartchner,
5 Robert Prater, and Rancho Rio Vista to assert claims to use water on land in Sections 14
6 and 23 of Township 17 South, Range 20 East.

7 The first step in this case will be an initial conference, where landowners will state
8 whether they intend to pursue water rights.

9
10 **Additional background information on the process for determining water rights**
11 **in Arizona can be found on Attachment A.**

12 13 **Details of the Case**

14 The various SOC's filed claim rights to use groundwater for domestic, irrigation,
15 and stockpond purposes.

16 The Arizona Department of Water Resources (“ADWR”) investigated the claims
17 made by the Claimant and prepared Watershed File Report No. 112-17-BDA-004
18 (“WFR”), published in the Final San Pedro Watershed Hydrographic Survey Report
19 (1991) (“San Pedro HSR”). The WFR recorded that wells in SESESE Section 14 and
20 NWSENE Section 23 Township 17 South, Range 20 East were being used for domestic
21 and irrigation purposes and to supply small reservoirs. The WFR recorded that surface
22 water of the San Pedro River was being used for stockpond purposes.

23 ADWR also published a map of the area investigated, denoted by “(4).” A copy
24 of the WFR is attached as Attachment B, and a copy of the map is attached as Attachment
25 C.

26 After ADWR issued the WFR, objections were filed to the findings made in the
27 WFR by the United States, ASARCO, Magma Copper, the Gila River Indian Community,
28 San Carlos Apache Tribe, Tonto Apache Tribe, the Yavapai-Apache Nation, the Camp

1 Verde Reservation, and the Salt River Project.

2 **Claimant and Landowners**

3 The WFR lists Rancho Rio Vista as the owner of the property investigated.
4 According to maps provided by ADWR and the Cochise County Assessor (“Assessor”),
5 the land investigated appears to comprise Cochise County tax parcels 123-37-005Y, 123-
6 37005X, 123-37-006G, 123-37-006F, 123-37-005V, 123-37-005W, 123-37-005S, 123-
7 37-005D, 123-37-005E, 123-37-005F, 123-37-005G, 123-37-007, and 124-18-013.

8 A copy of a map, provided by ADWR, showing the boundaries of the investigation
9 area is attached as attachment D. A map showing the relevant tax parcels and the current
10 owners, the San Pedro River subflow zone, and the approximate location of the wells
11 supplying the domestic and irrigation uses detailed in the WFR is attached as Attachment
12 E.

13 The public records of the Arizona Department of Water Resources do not contain
14 any assignments of the SOC listed in the WFR, and the current landowners do not appear
15 to have filed any additional SOCs.

16 To pursue water rights, a property owner must file a Statement of Claimant and
17 present to the Court evidence of the existence of a water right on their property. This
18 evidence may include the WFR. If either the property owner proves to the Court the
19 existence of water rights on their property or enters into a valid settlement approved by
20 the Court, the Court will recognize enforceable water rights in a “Final Decree.” Ariz.
21 Rev. Stat. § 45-257(B).

22 This is an Order from the Court. All parties must comply with the following
23 instructions. The failure to obey this, or any, court order may result in the dismissal of
24 this case and the loss of any potential water rights associated with the properties
25 mentioned in this Order. If you have questions regarding this order or any of the
26 attachments, please contact the General Stream Adjudication, Office of the Special Water
27 Master, at (602) 372-4115. Please note that staff can only answer administrative
28 questions and cannot provide legal advice.

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

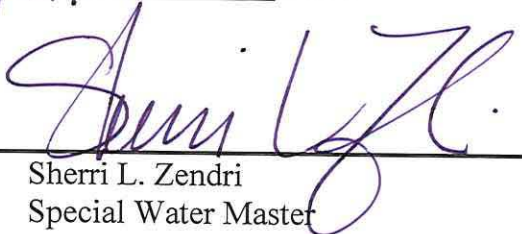
IT IS ORDERED:

1. Case Initiation. This contested case shall be known as *In re Rancho Rio Vista*, and it will resolve claims to appropriable water asserted in Statements of Claimant 39-3888, 39-6572, 39-11756, and 38-11757 and objections that were filed to Watershed File Report No. 112-17-BDA-004.
2. Initial Conference. An initial conference shall be held on **May 23, 2024 at 10:00 a.m.** to determine whether current landowners intend to pursue claims for water rights. The conference will be held using the Court Connect program. Instructions for Court Connect are attached as Attachment G. If you receive this order by email, click on the red box “Join Court Connect Hearing” on the attached instructions to make an appearance. If you do not receive this order by email, log into the Court Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend telephonically using the telephone number and access code included in the instructions for Court Connect.
3. Parties. The litigants in this contested case are the original claimants, the current landowners, and any party who filed an objection to the Watershed File Report. The objectors in this case are the United States, ASARCO, Magma Copper, the Gila River Indian Community, San Carlos Apache Tribe, Tonto Apache Tribe, the Yavapai-Apache Nation, the Camp Verde Reservation, and the Salt River Project. Note that no claimant currently owns any parcel relevant to this contested case.
4. Objections. Copies of the objections filed to WFR No. 112-17-BDA-004 can be found under the case number W1-11-1983 on the following website: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>.
5. Court-Approved Mailing List.

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

- A. The initial Court-approved mailing list for this case shall include all persons listed on Attachment F to this order. The list may be modified only by filing a motion with the Special Master to amend the Court-approved mailing list. Litigants are responsible for using the current Court-approved mailing list.
- B. A copy of any pleading filed with the Clerk of the Maricopa County Superior Court in this case shall be served upon each person listed on the Court-approved mailing list.
- C. Claimants wishing to be added or removed from the mailing list shall file a motion with the Special Master. Parties allowed to intervene will be automatically added to the Court-approved mailing list.
- D. The Clerk of the Court will send copies of all minute entries and orders issued in this case to the parties listed on the Court-approved mailing list.
- E. Claimants who would like to receive courtesy copies of minute entries and orders may request inclusion on an email list by sending a request to emily.natale@jbazmc.maricopa.gov.

Signed this 24th day of April 2024.



Sherri L. Zendri
Special Water Master

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

On April 24, 2024, the original of the foregoing was delivered to the Clerk 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, and to all persons listed on the Court-approved mailing list for W1, W2, W3, and W4.


Emily Natale

ATTACHMENT A

General Background on the Water Rights Determination Process in Arizona

A general stream adjudication is a judicial proceeding to determine the quantity and priority of all water rights in a river system. Arizona is undertaking general stream adjudications of both the Gila River and the Little Colorado River systems. A river system includes surface water flowing “in streams or other natural channels,” groundwater sufficiently connected to that surface water, and water subject to claims by the federal government. Ariz. Rev. Stat. § 45-251(7). Recognizing and respecting water rights and the priority of such rights is important in Arizona where times of drought or water scarcity can occur.

All cases begin with the filing of a “Statement of Claimant,” (“SOC”) in which a property owner makes a claim for a right to use surface water on their property. Ariz. Rev. Stat. § 45-254(A). This person is the “claimant.” The SOCs contain, among other characteristics, a description of the source and quantity of the water used, the location of use, the location from which the water was diverted, and the date when the water was first put to use. *Id.* § 45-254(C).

After the property owner files the SOCs, the Arizona Department of Water Resources (“ADWR”) prepares a “Watershed File Report,” (“WFR”) in which ADWR investigates the claims in the SOCs and recommends water rights associated with the property. *Id.* § 45-256(B). ADWR compiles all WFRs for a watershed into a comprehensive Hydrographic Survey Report (“HSR”) and publishes the report for public review and comment. In response, other claimants in the Adjudication may file “objections” disputing the information or recommendations in the WFR. The individuals who file objections are called “objectors.”

This “contested case”, one of thousands in the Gila River System, will evaluate claims asserted in specific Statements of Claimant while considering objections to the WFR that reported ADWR’s initial inspection of those claims.

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 B
Watershed File Report

LAND OWNER

 RANCHO RIO VISTA, INC.
 % DON COLLIER

WATERSHED FILE
 REPORT NUMBER

 112-17-BDA-004

PHOTO ID - 16-3,4(87) QUAD 1 - BENSON

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
39-0003888		IRRIGATION	200.00	SENE23 NW24	170S	200E 200E	1954	NWSENE23	170S	200E
39-0006572		IRRIGATION DOMESTIC STOCK REC/FISH/WLDF	40.00 .22 3.11 20.00		23	170S 200E	1954	NENE23	170S	200E
39-0011756		DOMESTIC	1.14					SESESE14	170S	200E
39-0011757		IRRIGATION STOCK REC/FISH/WLDF	390.00 1.34 17.00	SE14 NE23	170S	200E 200E	< 1950	NWSENE23	170S	200E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0003888	IRRIGATION	IRRIGATION	W04	IR090, IR091, IR092 IR093, IR094
39-0006572	IRRIGATION DOMESTIC STOCK RECREATION WILDLIFE	IRRIGATION DOMESTIC INCIDENTAL INCIDENTAL INCIDENTAL	W01, W04	DM001, IR090, IR091 IR092, SR001, SR002
39-0011756	DOMESTIC	DOMESTIC	W01	DM001
39-0011757	IRRIGATION STOCK WILDLIFE	IRRIGATION INCIDENTAL INCIDENTAL	W04	IR090, IR091, IR092 IR093, IR094, SR001 SR002

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W01	SESESE14	170S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
W04	NWSENE23	170S	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DM001	SESESE14	170S	200E	W01	GROUNDWATER : ZONE 1		NO	
IR090	NENE23	170S	200E	W01, W04	GROUNDWATER : ZONE 1	1935	NO	
	SENE23	170S	200E					
	SESE14	170S	200E					
IR091	SENE23	170S	200E	W01, W04	GROUNDWATER : ZONE 1	1955	NO	
IR092	NENE23	170S	200E	W01, W04	GROUNDWATER : ZONE 1	1964	NO	
IR093	NENE23	170S	200E	W01, W04	GROUNDWATER : ZONE 1	1976	NO	
	SENE23	170S	200E					
	SESE14	170S	200E					
IR094	SESE14	170S	210E	W01, W04	GROUNDWATER : ZONE 1	1983	NO	

RESERVOIRS

112-17-BDA-004

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SPO01	NWSESE14	170S	200E		SURFACE WATER	1972	UNNAMED	STOCKWATERING RECREATION WILDLIFE
SR001	SESESE14	170S	210E	W01	GRNDWTR : ZONE 1	1976	UNNAMED	STOCKWATERING RECREATION WILDLIFE
SR002	NESENE23	170S	200E	W04	GRNDWTR : ZONE 1	1976	UNNAMED	IRRIGATION STOCKWATERING RECREATION WILDLIFE

SHARED USES AND DIVERSIONS

** WATER FROM W04 IS SHARED WITH THESE ADDITIONAL FILES:
112-17-BDA-7

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DM001	39-0006572 39-0011756	NONE			GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR090	39-0003888 39-0006572 39-0011756	NONE	1935	1935 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR091	39-0003888 39-0006572 39-0011756	NONE	1955	1955 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR092	39-0003888 39-0006572 39-0011756	NONE	1964	1964 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR093	39-0003888 39-0006572 39-0011756	NONE	1976	1976 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR094	39-0003888 39-0006572 39-0011756	NONE	1983	1983 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
SP001	NONE	NONE	1972	1972 AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER
SR001	39-0006572 39-0011756	NONE	1976	1976 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
SR002	39-0003888 39-0006572 39-0011756	NONE	1976	1976 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DM001							SEE VOLUME 1 - GENERAL ASSESSMENT DISCONTINUED IRRG.
IR090	REGIONAL	18.4	NO CROP				DISCONTINUED IRRG.
IR091	REGIONAL	.3	NO CROP				DISCONTINUED IRRG.
IR092	REGIONAL	3.6	NO CROP				DISCONTINUED IRRG.
IR093	REGIONAL	6.8	NO CROP				DISCONTINUED IRRG.
IR094	REGIONAL	2.7	NO CROP				DISCONTINUED IRRG.
SP001	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	
SR001	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	
SR002	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	

E X P L A N A T I O N

112-17-BDA-004

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION, DOMESTIC, STOCKWATERING, RECREATION, AND WILDLIFE USES.

W4 - WELL PROVIDES WATER FOR IRRIGATION, STOCKWATERING, RECREATION, AND WILDLIFE USES.

SHARED USES AND DIVERSIONS

W4 - WELL IS SHARED WITH W.F.R. #112-17-BDA-7.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.

IR90-IR94 - 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.

SP1 - UNNAMED STOCKPOND.

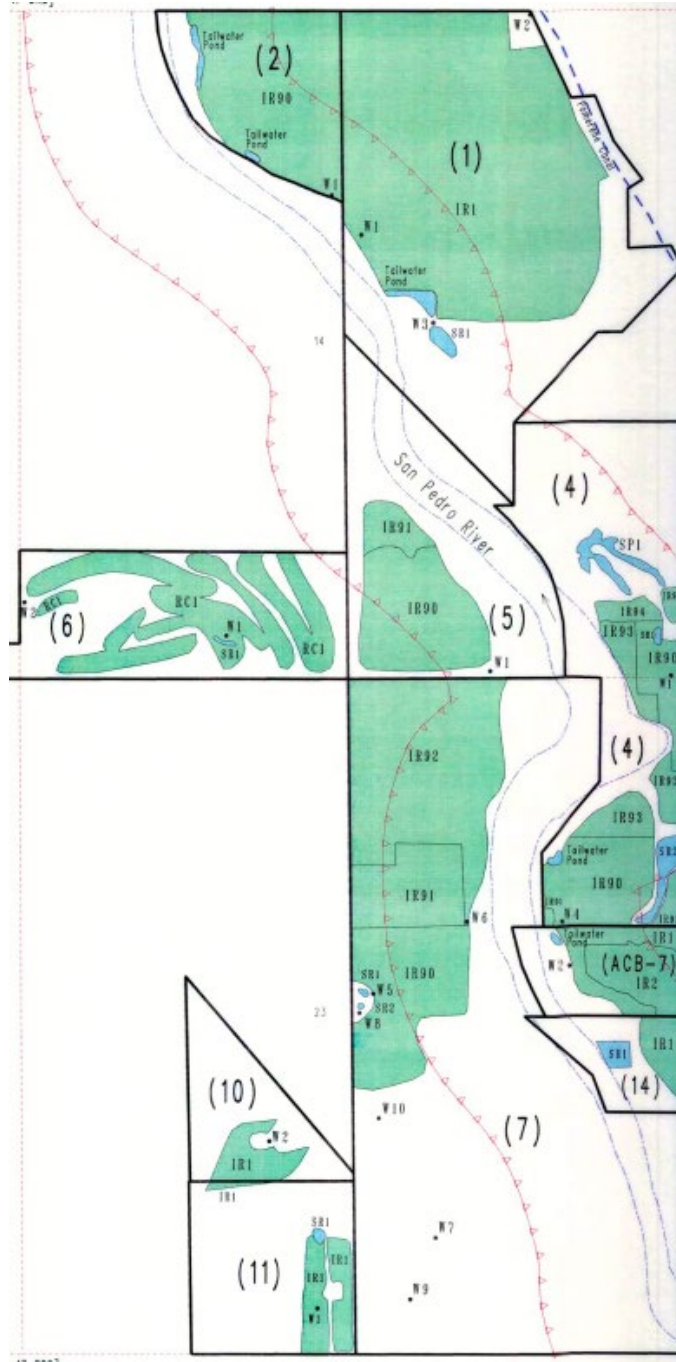
SR1 - SMALL RESERVOIR, SUPPLIED BY WELL W1, IS USED FOR STOCKWATERING, RECREATION, AND WILDLIFE PURPOSES.

SR2 - SMALL RESERVOIR, SUPPLIED BY WELL W4, IS USED FOR STOCKWATERING, RECREATION, AND WILDLIFE PURPOSES.

ATTACHMENT C

WFR Map

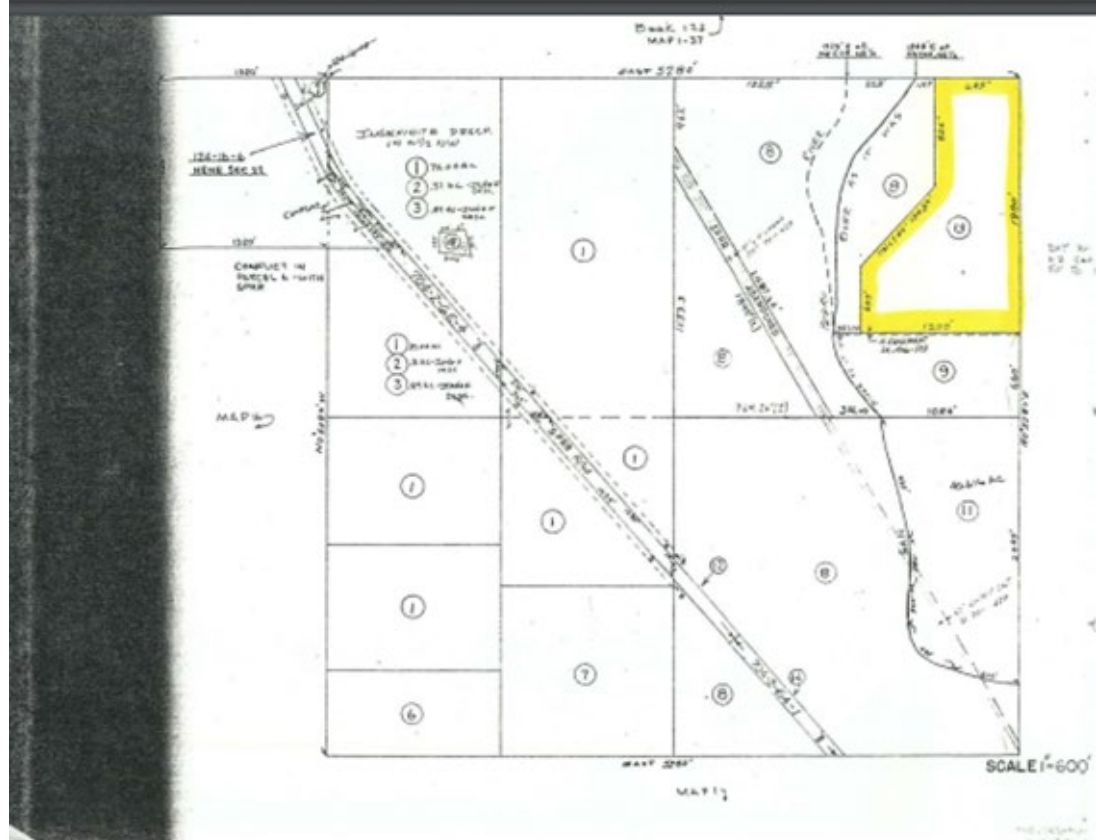
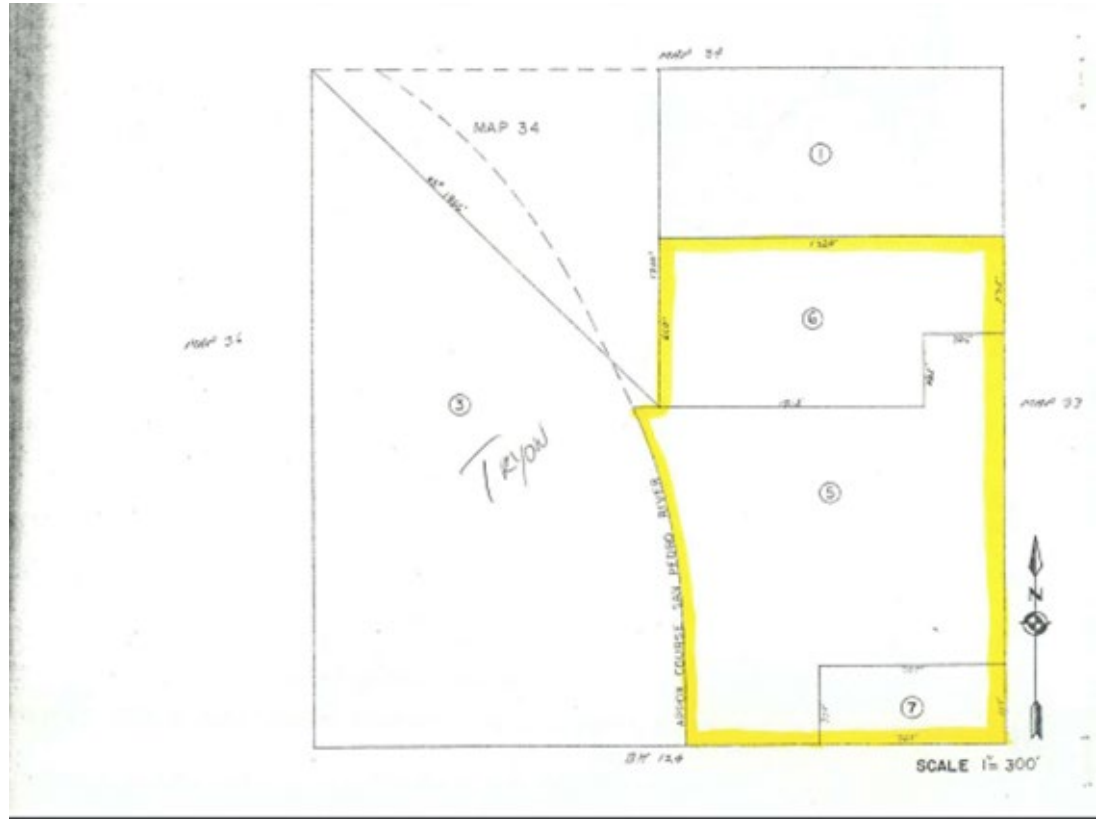
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



ATTACHMENT D

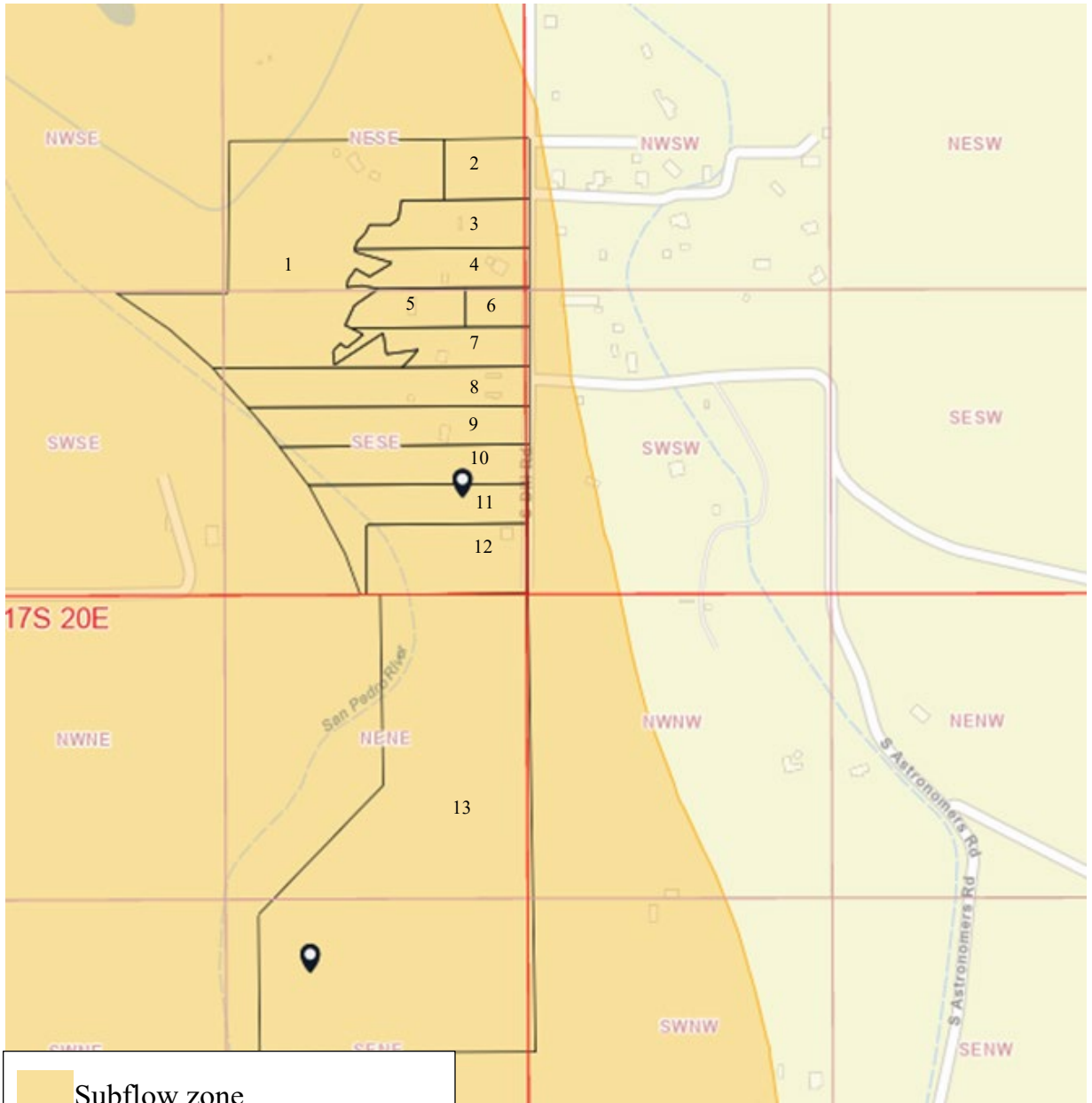
ADWR Parcel Map



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
Assessor Map

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



	Subflow zone
	Approximate well location

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

<u>Number on Map</u>	<u>Assessor Parcel Number</u>	<u>Owner</u>
1	12-33-7005Y	Carron Elford
2	123-37-005X	Carron Elford
3	123-37-006G	Catherine Lasher
4	123-37-006F	William C Roseberry
5	123-37-005V	Annette D Johansen
6	123-37-005W	Annette D Johansen
7	123-37-005S	Marcus Tucker
8	123-37-005D	Paul M & Kimberly R Skolkin
9	123-37-005E	Paul M & Kimberly R Skolkin
10	123-37-005F	Paul M & Kimberly R Skolkin
11	123-37-005G	Paul M & Kimberly R Skolkin
12	123-37-007	Seth Anderson & Chelsy Hinton Wilson
13	124-18-013	Marm LLC

1
2 **ATTACHMENT F**

3 **Initial Court-Approved Mailing List**

4 Arizona Department of Water Joe P. Sparks and Laurel A. Hermann
5 Resources The Sparks Law Firm, P.C.
6 Kimberly R. Parks and Karen J. Nielsen 7503 First Street
7 1110 West Washington, Suite 310 Scottsdale, AZ 85251-4573
8 Phoenix, AZ 85007

9 Clerk of the Superior Court Lauren Caster & Bradley Pew
10 Maricopa County Fennemore Craig, P.C.
11 Attn: Water Case 2394 E. Camelback Road Ste. 600
12 Phoenix, AZ 85016-3429

13 601 West Jackson St. Jeremiah Weiner, Kent Millward, Brett
14 Phoenix, AZ 85003 J. Stavin, and Lauren Mulhern
15 Rosette, LLP.
16 Special Master Sherri Zendri 120 S. Ash Avenue, Suite 201
17 Superior Court of Arizona Tempe, AZ 85281
18 201 W. Jefferson Street

19 Courtroom 301
20 Phoenix, AZ 85003 Susan B. Montgomery, Robyn
21 Interpretor, Montgomery & Interpretor
22 Salt River Project PLC
23 J.B. Weldon, M.A. McGinnis, M.K. Foy 3301 E Thunderbird Road
24 Salmon, Lewis, and Weldon Phoenix, AZ 85032
25 2850 E. Camelback Rd. Suite 200

26 Phoenix, AZ 85016 Gila River Indian Community
27 Vanessa Boyd Willard Javier Ramos and Sunshine Manuel
28 U. S. Department of Justice – ENRD Office of the General Counsel
999 18th Street, Suite 370 P.O. Box 97
Denver, CO 80202 Sacaton, AZ 85147

BHP Copper Inc.
c/o John D. Burnside
Snell & Wilmer, L. L. P.
One E. Washington Street, Suite 2700
Phoenix, AZ 85004-2556

San Carlos, AZ 85550 Carron Elford
1501 E Benson Airport Rd
Benson, Az 85602

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

Catherine Lasher
1525 E Benson Airport Rd
Benson, Az 85602

William C Roseberry
1529 E Benson Airport Rd
Benson, Az 85602

Annette D Johansen
1537 E Benson Airport Rd
Benson, Az 85602

Marcus Tucker
1539 E Benson Airport Rd
Benson, Az 85602

Paul M & Kimberly R Skolkin
950 S Dill Rd
Benson, AZ 85602

Seth Wilson & Chelsy Hinton

1050 S Dill Rd
Benson, AZ 85602

Marm LLC
c/o Tim & Jill Wilson
2021 W Desert Vista
Saint David, Az 85630

Max J. Kartchner
Drawer K
Benson, AZ 85602

Robert Prater
PO Box 1848
Benson, AZ 85602

Rancho Rio Vista
PO Box 1996
Benson, AZ 85602

ATTACHMENT G



Court Connect Hearing Notice for In re Rancho Rio Vista

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 Rancho Rio Vista

Contested Case No. W1-11-1983

Start Date/Time: May 23, 2024 at 10:00 a.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](#)