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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. W1-11-2178

ORDER TO INITIATE CONTESTED CASE
AND
ORDER TO CONSOLIDATE CASE

CONTESTED CASE NAME: *In re Otto and Janet Dworsky*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Contested case initiated and consolidated with *In re St. David Irrigation District*, Contested Case no. W1-11-1675.

NUMBER OF PAGES: 8

DATE OF FILING: December 8, 2021

This Order initiates a contested case to consider the claims for water rights and resolve objections to Zone 2 Well Report 112-17-DCA-001 (“Report”) published in the Final San Pedro River Watershed Hydrographic Survey Report (1991). The Report identified potential water rights for domestic, small reservoir, and irrigation uses on land located in sections 21 and 28 Township 18S Range 21E. The identified source of water for the claimed uses are five wells. A

1 copy of the Report is attached as Attachment A. A copy of the map prepared for the Report is
2 attached as Attachment B with the land that is the subject of this contested case labelled as “(DCA-
3 1)” and “(1)”.

4 The Report identified Statements of Claimant 39-5374 and 39-6520 (“SOCs”) as the
5 relevant filings for the potential water rights. Otto Dworsky filed the SOCs claiming water for
6 domestic, stock watering, and irrigation uses. The public records maintained by ADWR do not
7 show an assignment of the SOCs from Otto Dworsky.
8

9 Otto and Janet Dworsky are named in the Report as the owners of the property described
10 in 112-17-DCA-001. The public records of Cochise County Assessor’s Office identify Robert
11 and Rhonda Barnes as the owners of tax parcel 121-33-001C and 121-33-001E. A copy of the
12 current tax parcel map is attached as Attachment C.
13

14 On May 12, 2020, the St. David Irrigation District filed a Status Report Regarding Status
15 of Annexation of Lands and Results of Its Investigation of Watershed File Reports. It
16 represented that a petition had been filed to annex the land included in Zone 2 Well Report 112-
17 17-DCA-001. By Resolution No. 01-2021 dated March 21, 2021, St. David Irrigation District
18 annexed tax parcels 121-33-001C and 121-33-001E within the boundaries of the St. David
19 Irrigation District. *See* Document 2021-07785 recorded March 23, 2021 with the Cochise
20 County Recorder.
21

22 **IT IS ORDERED:**

23 1. Contested Case Initiated. This contested case is initiated. It shall be known as *In*
24 *re Otto and Janet Dworsky* and it will address the Statement of Claimant and objections that were
25 filed regarding the Zone 2 Well Report 112-17-DCA-001 published in the Final San Pedro River
26 Watershed Hydrographic Survey Report (1991). Copies of objections can be found under the
27 case name and number on the following website:
28

1 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.a>
2 [sp](#)

3 2. Litigants. The litigants in this contested case are the Claimant, the current
4 landowners, all persons who filed objections to the Watershed File Report who are listed on
5 Attachment D, and parties who are allowed to intervene by order.

6 3. Consolidate. This contested case is consolidated with *In re St. David Irrigation*
7 *District*, contested case no. W1-11-1675. All future filings for *In re Otto and Janet Dworsky*,
8 W1-11-2178 shall be filed in *In re St. David Irrigation District*, contested case no. W1-11-1675.
9

10
11 
12 SUSAN WARD HARRIS
13 Special Master

14 On December 8, 2021, the original of the foregoing was
15 delivered to the Clerk of the Maricopa County Superior
16 Court for filing and distributing a copy to all persons listed
17 on the Court-approved mailing list for this contested case,
18 a copy of which is attached hereto as Attachment D, and
19 to all persons listed on the Court-approved mailing list for
20 W-1, W-2, W-3, and W-4 (Consolidated).

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22 Emily Natale
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ATTACHMENT A

LAND OWNER

 DWORSKY, OTTO F. & JANET

ZONE 2 WELL
 REPORT NUMBER

 112-17-DCA-001

WELLS	WELL NAMES	WELL LOCATION			WATER USES SERVED	REMARKS
		SECTION	TWNP	RNGE		
W01	UNNAMED	SESENE28	180S	210E	IROO1, IROO2, IROO3 IROO4, SROO1	W1-11-2178
W02	UNNAMED	NENENE28	180S	210E	IROO1, IROO2, IROO3 SROO1	
W03	UNNAMED	NENENE28	180S	210E	IROO1, IROO2, IROO3 SROO1	
W04	UNNAMED	NENENE28	180S	210E	IROO3, SROO1	
W05	UNNAMED	NENENE28	180S	210E	DMOO1, SROO1	

WATER USE NUMBERS	WATER USE LOCATION			*** APPARENT FIRST USE ***		APPAR. ANNUAL VOLUME USED	ACRES IRRIGATED
	SECTION	TWNP	RNGE	DATE	BASIS FOR DATE		
DMOO1	NENENE28	180S	210E				
IROO1	SENE21	180S	210E	1923	1923 STATE SURVEY	104.8 AFA	19.4
IROO2	NENE28	180S	210E	1935	1935 AERIAL PHOTO	103.7 AFA	19.2
IROO3	SESE21	180S	210E				
	NENE28	180S	210E	1955	1955 AERIAL PHOTO	183.6 AFA	34.0
	SENE28	180S	210E				
IROO4	SESE21	180S	210E				
	SWNE28	180S	210E	1964	1964 AERIAL PHOTO	116.1 AFA	21.5
SROO1	NENENE28	180S	210E	1964	1964 AERIAL PHOTO	LTE 15.0 AF	

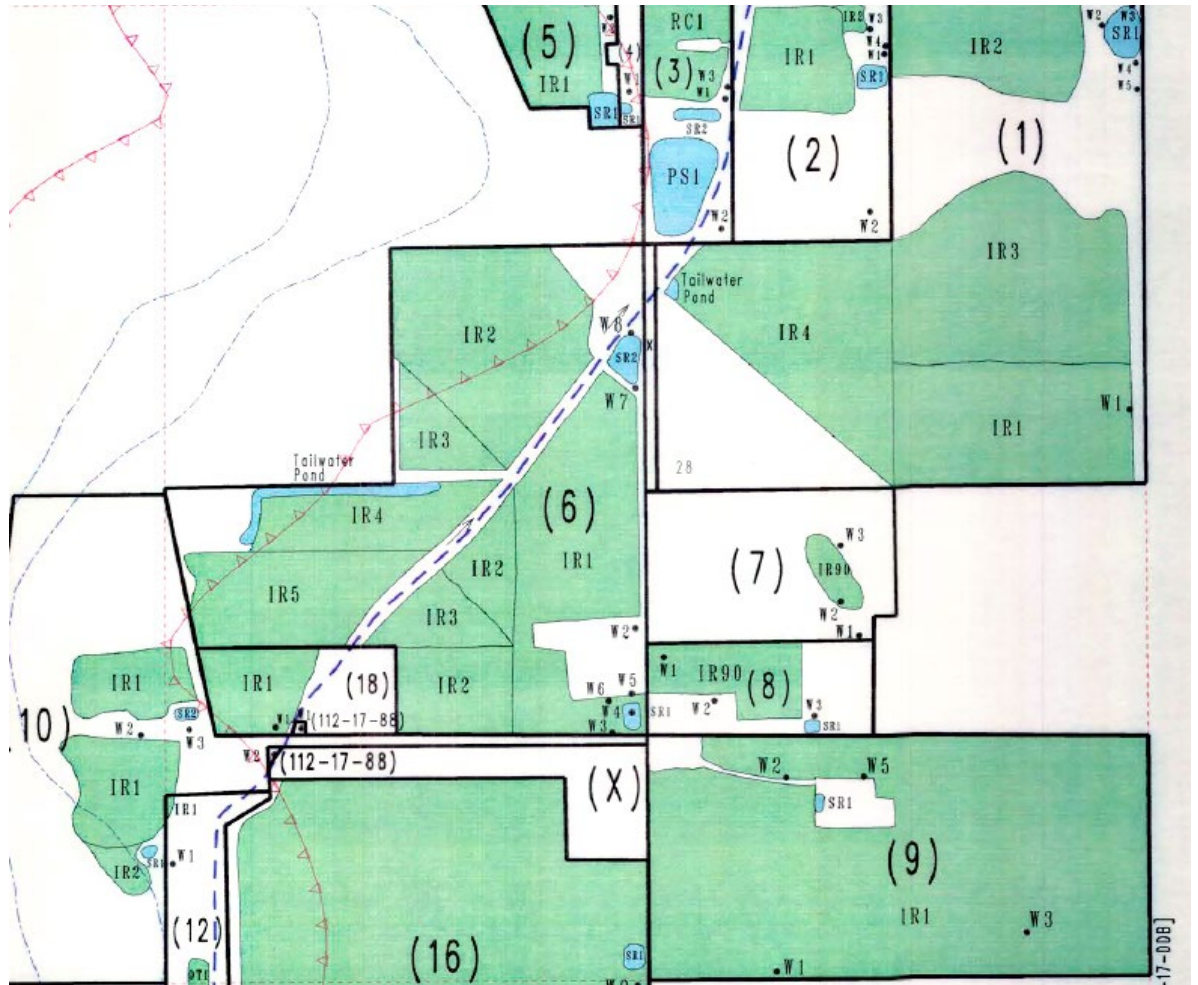
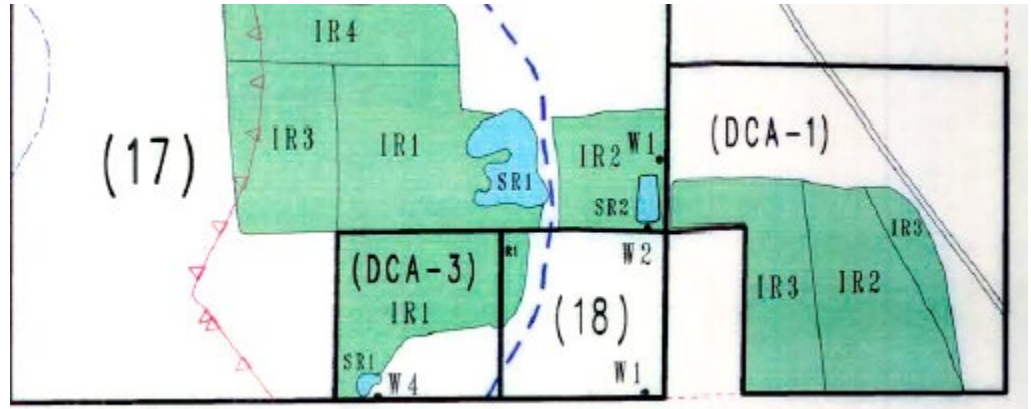
APPLICABLE STATEMENTS OF CLAIMANT	APPLIES TO: WELLS	APPLIES TO: WATER USES
39-0005374	W01	IROO1, IROO2, IROO3 SROO1
39-0006520	W02, W03, W04 W05	DMOO1, IROO1, IROO2 IROO3, SROO1

EXPLANATION

- W1 - WELL PROVIDES IRRIGATION, STOCKWATERING, AND WILDLIFE USES.
- W2-W5 - WELLS PROVIDE IRRIGATION, DOMESTIC, STOCKWATERING, AND WILDLIFE USES.
- DM1 - DOMESTIC USE.
- IR1 & IR4 - IRRIGATED PASTURE.
- IR2 & IR3 - IRRIGATED MULTIPLE CROPS (ALFALFA AND PASTURE).
- SR1 - SMALL RESERVOIR IS USED FOR IRRIGATION, STOCKWATERING, AND WILDLIFE PURPOSES.

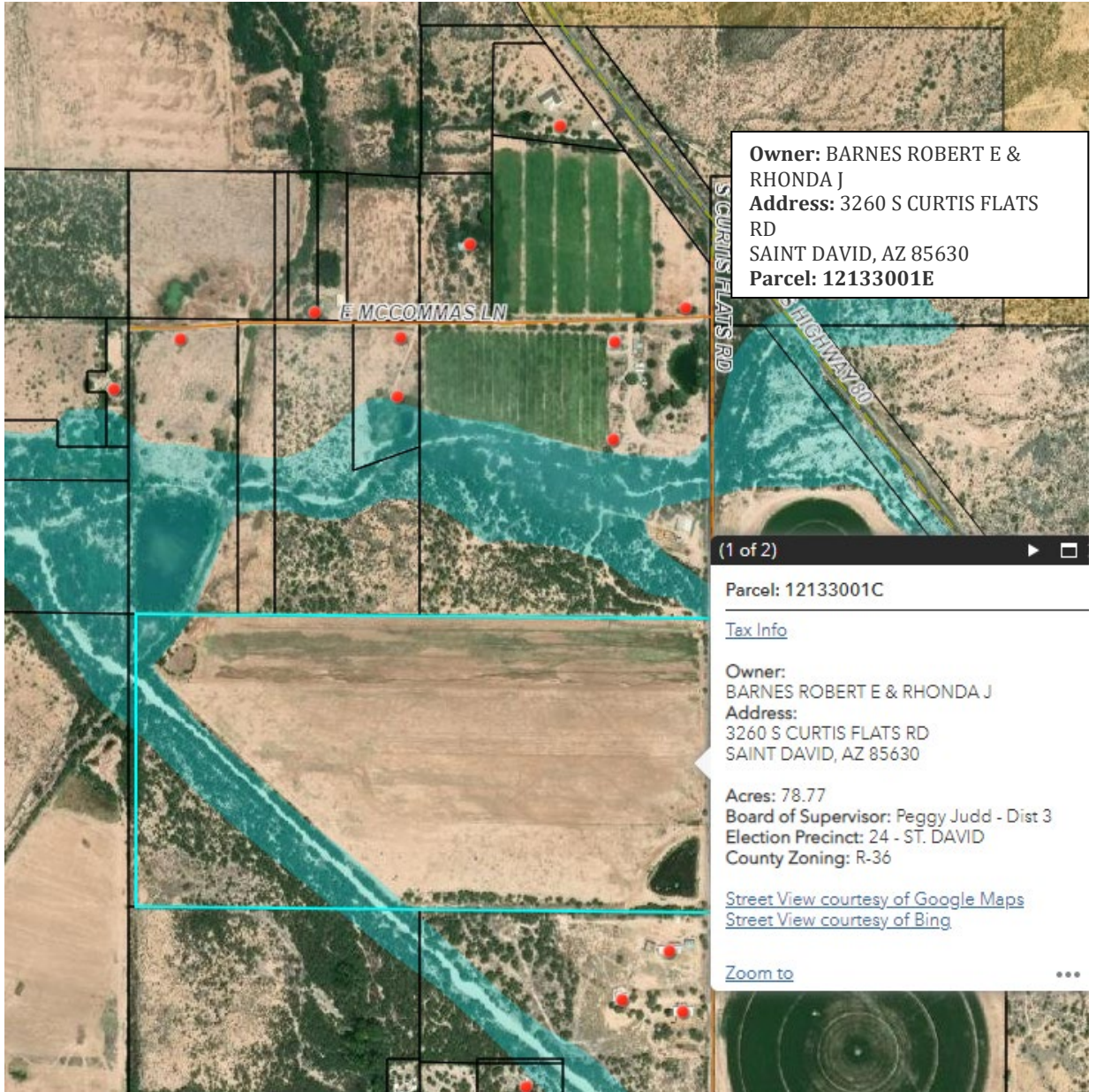
ATTACHMENT B

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ATTACHMENT C

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ATTACHMENT D

1
2
3 Arizona Department of Water Resources
4 Kimberly Parks
5 Janet L. Miller
6 P. O. Box 36020
7 Phoenix, AZ 85067

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

7 ASARCO Incorporated
8 Lauren J. Caster
9 Fennemore Craig, P.C.
10 2394 East Camelback Road
11 Suite 600
12 Phoenix, AZ 85016-3429

Tonto Apache Tribe
Richard Palmer, Jr. Jeremiah Weiner
and Laurel Mulhern
Rosette, LLP
565 W. Chandler Blvd. Suite 212
Chandler, AZ 85225d.

11 BHP Copper, Inc.
12 John D. Burnside
13 Snell & Wilmer, L.L.P.
14 400 E. Van Buren Street, Ste 1900
15 Phoenix AZ 85004

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

14 Clerk of the Superior Court
15 Maricopa County
16 Attn: Water Case
17 601 West Jackson Street
18 Phoenix, AZ 85003

Salt River Valley Water Users Association,
Salt River Project Agricultural
Improvement and Power District
John B. Weldon, Jr. and Mark A.

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

J. B. Weldon, M. A. McGinnis, M. K. Foy
Salmon, Lewis & Weldon
2850 E. Camelback Rd. Suite 200
Phoenix, AZ 85016

22 Otto and Janet Dworsky
23 Rt. #1
24 Box 206
25 St. David, AZ 85630

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

25 Robert E & Rhonda J Barnes
26 3260 S Curtis Flats Rd
27 Saint David, AZ 85630

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