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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. **W1-11-3113**

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

CONTESTED CASE NAME: *In re George B. Gordon*
HSR INVOLVED: San Pedro Hydrographic Survey.
DESCRIPTIVE SUMMARY: The Clerk of Maricopa County Superior Court is directed to initiate W1-11-3113. Initial conference set for **April 25, 2024, at 10:30 a.m.**
NUMBER OF PAGES: 15

General Explanation

This order opens a case to determine rights to use water on land owned by Eric Schwennesen and Heartquist Hollow Farms LLC.

The first step in this case is an initial conference with the Court, scheduled for **April 25, 2024, at 10:30 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

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

3 In this case, George B. Gordon filed Statement of Claimant (“SOC”) 39-4166 on
4 May 22, 1980, to assert claims to use water on land in Section 8 Township 6 South, Range
5 16 East.

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

8
9 **Additional background information on the process for determining water rights**
10 **in Arizona can be found on Attachment A.**

11
12 **Details of the Case**

13 On May 22, 1980, George B. Gordon (“Claimant”) filed Statement of Claimant
14 (“SOC”) 39-4166, which claimed rights to use groundwater for domestic, irrigation, and
15 stockpond purposes.

16 The Arizona Department of Water Resources (“ADWR”) investigated the claims
17 made by the Claimant and prepared Watershed File Report No. 114-04-BAB-119
18 (“WFR”), published in the Final San Pedro Watershed Hydrographic Survey Report
19 (1991) (“San Pedro HSR”). The WFR recorded that a well in NESWSW Section 8
20 Township 6 South, Range 16 East was being used for domestic and irrigation purposes.
21 ADWR also published a map of the area investigated, denoted by “(119).” A copy of the
22 WFR is attached as Attachment B, and a copy of the map is attached as Attachment C.

23 After ADWR issued the WFR, objections were filed to the findings made in the
24 WFR by the United States, ASARCO, George B. Gordon, the Gila River Indian
25 Community, San Carlos Apache Tribe, Tonto Apache Tribe, the Yavapai-Apache Tribe,
26 the Camp Verde Reservation, and the Salt River Project.

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1 **Claimant and Landowners**

2 The WFR lists George B. Gordon as the owner of the property investigated.
3 According to maps provided by ADWR and the Navajo County Assessor (“Assessor”),
4 the land investigated appears to comprise Pinal County tax parcels 300-27-005A and 300-
5 20-003D, which are currently owned by Eric Schwennesen and Heartquist Hollow Farms
6 LLC.

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

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

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

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

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1 **IT IS ORDERED:**

2 1. Case Initiation. This contested case shall be known as *In re George B.*
3 *Gordon*, and it will resolve claims to appropriable water asserted in Statement
4 of Claimant 39-4166 and objections that were filed to Watershed File Report
5 No. 114-04-BAB-119.

6 2. Initial Conference. An initial conference shall be held on **April 25, 2024,**
7 **at 10:30 a.m.** to determine whether current landowners intend to pursue claims
8 for water rights. The conference will be held using the Court Connect program.
9 Instructions for Court Connect are attached as Attachment G. If you receive
10 this order by email, click on the red box “Join Court Connect Hearing” on the
11 attached instructions to make an appearance. If you do not receive this order
12 by email, log into the Court Connect program on the internet by typing
13 <https://tinyurl.com/specialwatermaster>. If you do not have access to the
14 internet, you may attend telephonically using the telephone number and access
15 code included in the instructions for Court Connect.

16 3. Parties. The litigants in this contested case are the Claimant, the current
17 landowners, and any party who filed an objection to the Watershed File Report.
18 The objectors in this case are the United States, ASARCO, George B. Gordon,
19 the Gila River Indian Community, San Carlos Apache Tribe, Tonto Apache
20 Tribe, the Yavapai-Apache Tribe, the Camp Verde Reservation, and the Salt
21 River Project.

22 4. Objections. Copies of the objection filed to WFR No. 114-04-BAB-119 can be
23 found under the case number W1-11-3113 on the following website:
24 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudi>
25 [cation/whatsNew.asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp).

26 5. Court-Approved Mailing List.


27 A. The initial Court-approved mailing list for this case shall include all
28 persons listed on Attachment F to this order. The list may be

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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.

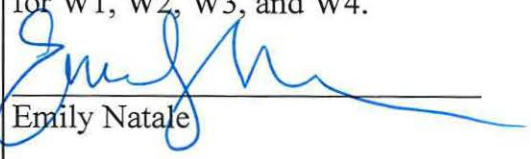
Signed this 18th day of April 2024.



Sherri L. Zendri
Special Water Master

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On April 1, 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

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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.

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ATTACHMENT B
Watershed File Report

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
GORDON, GEORGE B.	114-04-BAB-119

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

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE
10-1103152.1100		IRRIGATION		SW08	060S	160E	1885	NENW20	060S	160E
39-0004166		IRRIGATION	91.00	NW17	060S	160E	1946	NENESW08	060S	160E
		DOMESTIC	.10	SW08	060S	160E				
		STOCK	.18							

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 DIVERSIONS	APPLIES TO PWR NUMBERS
10-1103152.1100	IRRIGATION	IRRIGATION		IROO1
39-0004166	IRRIGATION	IRRIGATION	WO1	DMOO1, IROO1, IROO2
	DOMESTIC	DOMESTIC		IROO3
	STOCK	INCIDENTAL		

D I V E R S I O N S

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	NESWSW08	060S	160E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	NESWSW08	060S	160E	WO1	GROUNDWATER : ZONE 1		NO	
	SESWSW08	060S	160E					
IROO1	NENW17	060S	160E	WO1	GROUNDWATER : ZONE 1	1935	YES	
	NESW08	060S	160E					
	NWNW17	060S	160E					
	NWSW08	060S	160E					
	SESW08	060S	160E					
	SWSW08	060S	160E					
IROO2	NWSW08	060S	160E	WO1	GROUNDWATER : ZONE 1	1969	NO	
	SWSW08	060S	160E					
IROO3	SESW08	060S	160E	WO1	GROUNDWATER : ZONE 1	1971	NO	
	SWSW08	060S	160E					

S H A R E D U S E S A N D D I V E R S I O N S

** WATER FROM WO1 IS SHARED WITH THESE ADDITIONAL FILES:
114-4-BAC-19

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DMOO1	39-0004166	NONE			GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO1	39-0004166	10-1103152.1100	1885	FILING 10-1103152-11	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO2	39-0004166	NONE	1969	1969 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO3	39-0004166	NONE	1971	1971 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT DEFICIT IRRIGATION
IROO1	MAX. OBSERVED	18.0	PERM. PSTR	68%	3.5 AF/AC	63.0 AFA	DEFICIT IRRIGATION
	REGIONAL	39.3	AVE. CROP	50%	5.4 AF/AC	212.2 AFA	
	MAX. POTENTIAL	39.3	ALFALFA	68%	4.9 AF/AC	192.6 AFA	
IROO2	MAX. OBSERVED	10.1	PERM. PSTR	61%	4.0 AF/AC	40.4 AFA	DEFICIT IRRIGATION
	REGIONAL	15.1	AVE. CROP	50%	5.4 AF/AC	81.5 AFA	
	MAX. POTENTIAL	15.1	ALFALFA	61%	5.5 AF/AC	83.1 AFA	
IROO3	MAX. OBSERVED	8.6	PERM. PSTR	63%	3.2 AF/AC	27.5 AFA	DEFICIT IRRIGATION
	REGIONAL	8.6	AVE. CROP	50%	5.4 AF/AC	46.4 AFA	
	MAX. POTENTIAL	8.6	ALFALFA	63%	5.3 AF/AC	45.6 AFA	

E X P L A N A T I O N

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION AND DOMESTIC USES.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.

IR1-IR3 - IRRIGATED PASTURE.

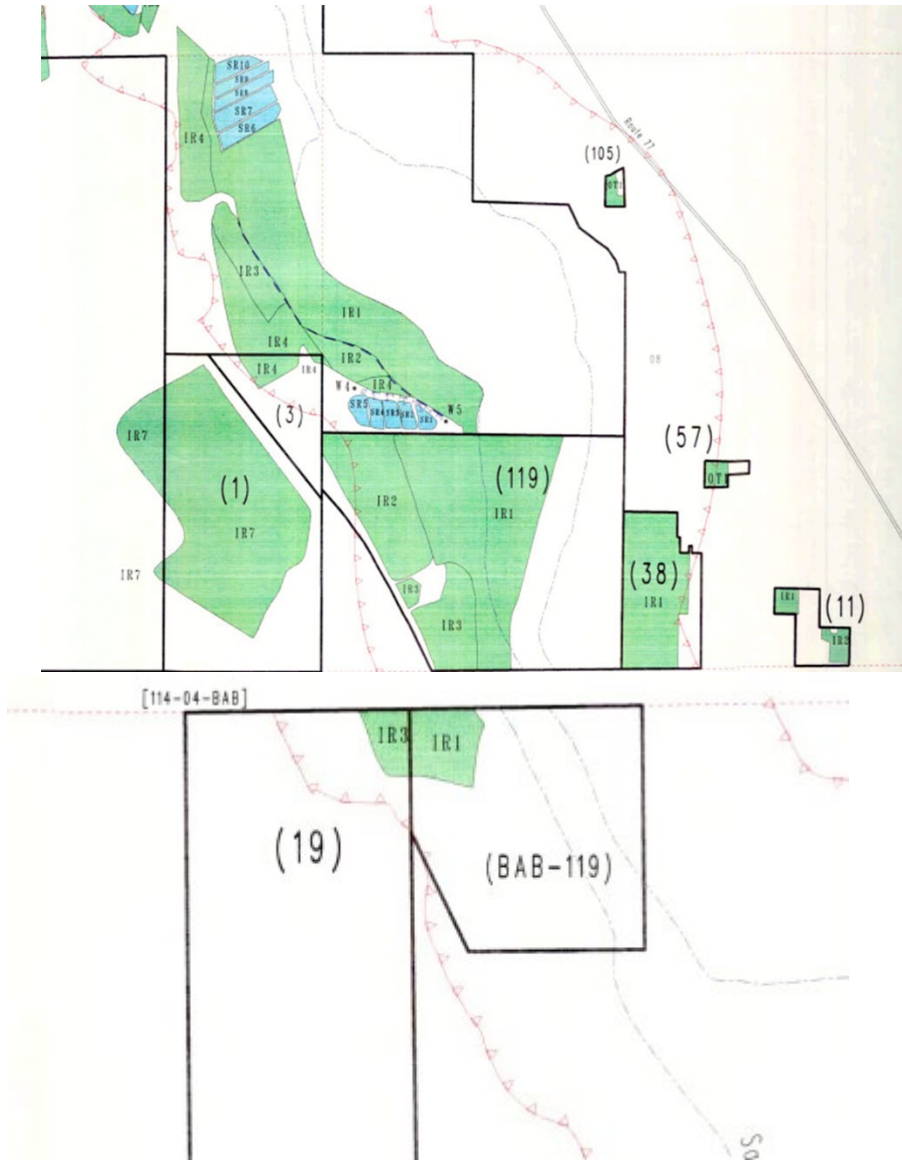
SHARED USES AND DIVERSIONS

W1 - WELL IS SHARED WITH W.F.R. #114-04-BAC-19.

ATTACHMENT C

WFR Map

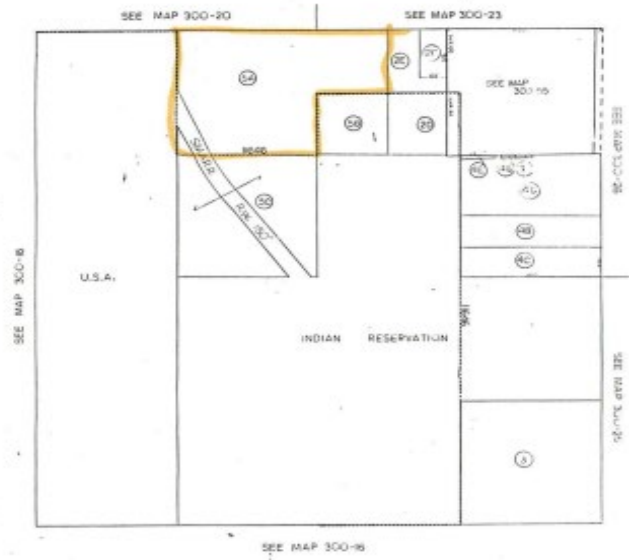
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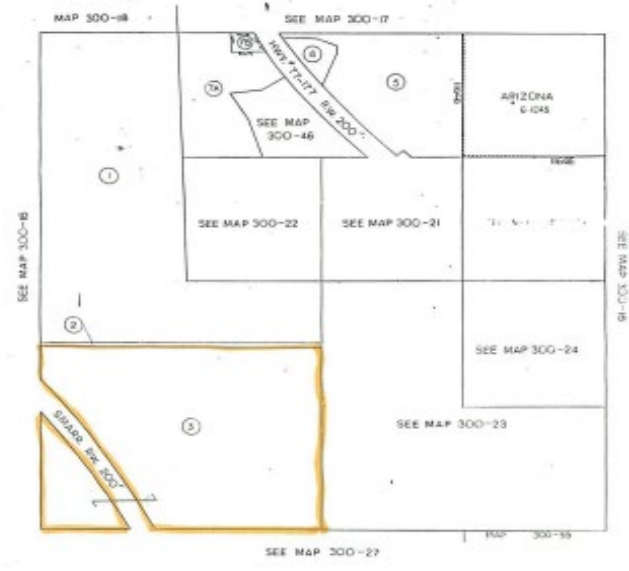
ATTACHMENT D
ADWR Parcel Map

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SEC 17 T6S R16E

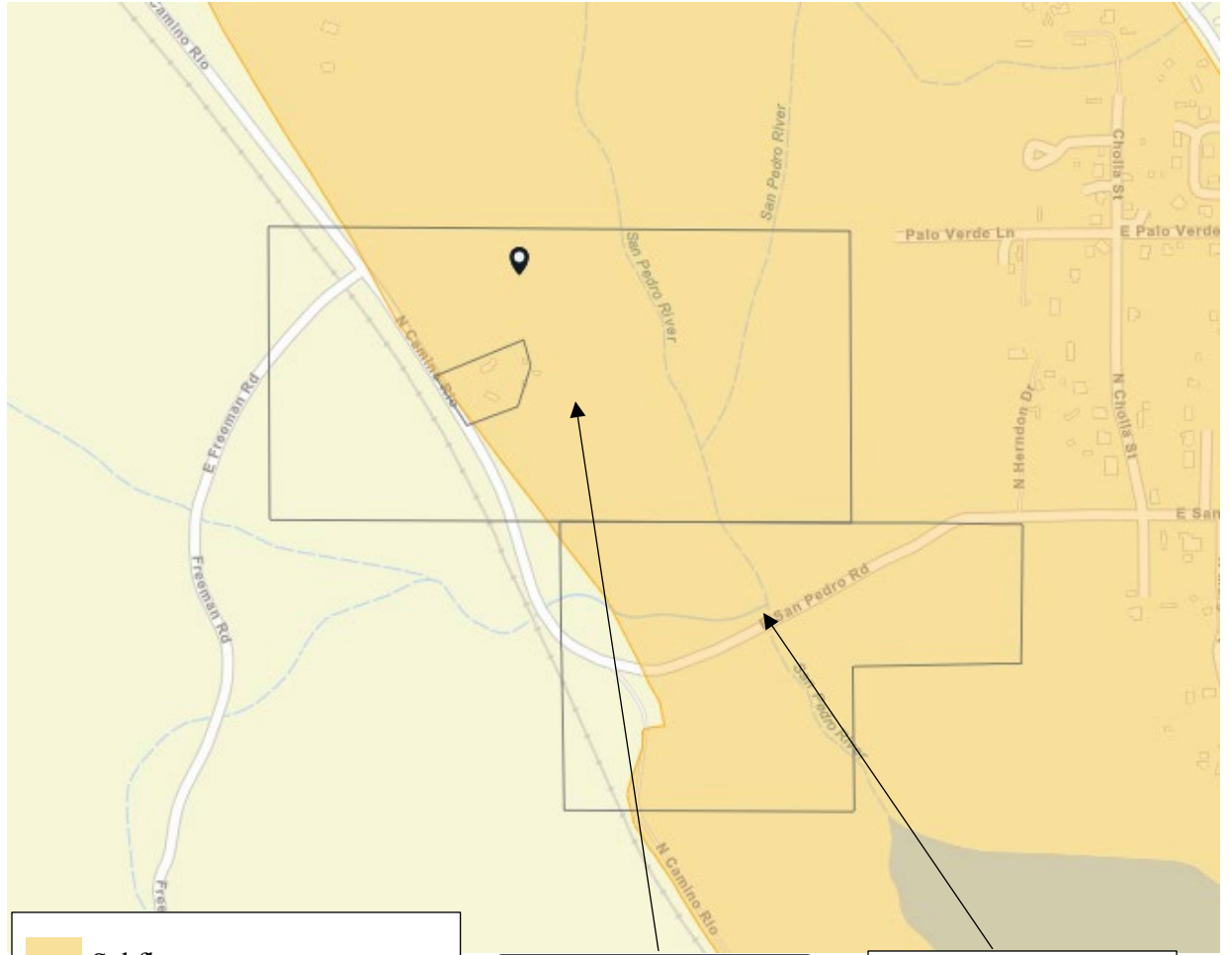




SEC 8 T6S R16E



Attachment E
Assessor Map

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 Subflow zone
 Approximate well location

300-20-003D
Heartquist Hollow
Farms LLC

300-27-005A
Eric and Jean
Schwennesen

ATTACHMENT F

Initial Court-Approved Mailing List

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Arizona Department of Water Resources
Kimberly R. Parks and Karen J. Nielsen
1110 West Washington, Suite 310
Phoenix, AZ 85007

Lauren Caster & Bradley Pew
Fennemore Craig, P.C.
2394 E. Camelback Road Ste. 600
Phoenix, AZ 85016-3429

Clerk of the Superior Court
Maricopa County
Attn: Water Case
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Phoenix, AZ 85003

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Stavin, and Lauren Mulhern
Rosette, LLP.
120 S. Ash Avenue, Suite 201
Tempe, AZ 85281

Special Master Sherri Zendri
Superior Court of Arizona
201 W. Jefferson Street
Courtroom 301
Phoenix, AZ 85003

Susan B. Montgomery, Robyn Interpreter,
Montgomery & Interpreter PLC
3301 E Thunderbird Road
Phoenix, AZ 85032

Salt River Project
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Salmon, Lewis, and Weldon
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Phoenix, AZ 85016

Gila River Indian Community
Javier Ramos and Sunshine Manuel
Office of the General Counsel
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Sacaton, AZ 85147

Vanessa Boyd Willard
U. S. Department of Justice – ENRD
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Denver, CO 80202

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Winkelman, AZ 85292

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Eric Schwennesen
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Clifton, AZ 85533

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

Heartquist Hollow Farms LLC
16625 E Elgin St
Gilbert, AZ 85295

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ATTACHMENT G



Court Connect Hearing Notice for In re George B. Gordon

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 George B. Gordon

Contested Case No. W1-11-3113

Start Date/Time: April 25, 2024 at 10:30 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](#)