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6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
7 IN AND FOR THE COUNTY OF MARICOPA

8 IN RE THE GENERAL ADJUDICATION
9 OF ALL RIGHTS TO USE WATER IN THE
10 GILA RIVER SYSTEM AND SOURCE

W-1 (Salt)
W-2 (Verde)
W-3 (Upper Gila)
W-4 (San Pedro)
Consolidated

11 Contested Case Nos. W1-11-1675

12 ORDER SETTING STATUS CONFERENCE

13 CONTESTED CASE NAME: *In re St. David Irrigation District*

14 HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

15 DESCRIPTION: Status Conference set for **August 18, 2022 at 2:30 p.m.** to determine
16 consolidation of additional cases.

17 NUMBER OF PAGES: 25

18 DATE OF FILING: July 27, 2022

19 On June 1, 2022, St. David Irrigation District ("District") filed a Status Report on the five
20 Watershed File Reports listed in the January 21, 2022 Minute Entry that requested additional
21 information with respect to nine tax parcels that St. David had identified in its Motion for Partial
22 Summary Judgment Regarding Points of Diversion, filed August 2, 2021. The table in the Minute
23 Entry included information provided by the St. David Irrigation District in the first five columns
24 and the associated Watershed File Report numbers and contested case numbers in the last two
25

columns. The table is reproduced below as Table 1. Since the issuance of the Minute Entry, *In re St. David Irrigation District*, contested case no. W1-11-2192, has been initiated and consolidated with this contested case.

| Area | Tax Parcel No. | Well Registration No. | GPS | Well Owner/Registrant | WFR | Case |
|-----------|----------------|-----------------------|--------------------------|----------------------------------|----------------|------------|
| St. David | 12106018 | 55-617943 | 31.902002, 110.220905 | - Guisti, Rose | 112-17-044 | W1-11-1642 |
| St. David | 12108007 | 55-613373 | 31.898815, 110.214645 | - Martin, Jason and Cynthia | 112-17-044 | W1-11-1642 |
| St. David | 12108008 | 55-613374 | 31.898218, 110.214752 | - Martin, Jason and Cynthia | 112-17-044 | W1-11-1642 |
| St. David | 12108009 | 55-613375 | 31.898159, 110.213765 | - Martin, Jason and Cynthia | 112-17-044 | W1-11-1642 |
| St. David | 12115021 | 55-619450 | 31.905154, 110.238163 | - Cochise County Investments LLC | 112-17-044 | W1-11-1642 |
| St. David | 12135002 | 55-612819 | 31.836273, 110.211099 | - St. David Irrigation District | 112-17-DCA-018 | W1-11-2192 |
| Pomerene | 12418013 | UNKNOWN | 31.943723, 110.267905 | - Kartchner, Jacob | 112-17-BDA-004 | W1-11-1983 |
| St. David | 12136006K | 55-609171 | 31.832530, 110.203167 | - Enclave St David LLC | 112-17-DCA-009 | W1-11-2186 |
| Pomerene | 12307004B | UNKNOWN | 31.985402, 110.280484 | - Least Agriculture, L.L.C. | 112-17-037 | W1-11-1635 |

Table 1. Table produced in the January 21, 2022 Minute Entry. This table includes information provided by the St. David Irrigation District in the first five columns. Contested Case W1-11-2192 was initiated and consolidated with this case on June 21, 2021.

A. **Rose Guisti and Jason and Cynthia Martin**

Rose Guisti, according to the Cochise County Treasurer, owns tax parcel number 121-06-018. It is located in the northeast quarter of Section 5 Township 18S Range 21. A map of the land prepared by the Cochise County Treasurer is shown on Attachment A. The District provided updated tax parcel numbers for the land that the Cochise County Treasurer shows as owned by Jason and Cynthia Martin: 121-08-006, 121-007B, 121-08-010. Those tax parcels are also located in the northeast quarter of Section 5 Township 18S Range 21. A map of the land prepared by the Cochise County Treasurer is shown on Attachment B.

Arizona Department of Water Resources did not prepare Watershed File Reports for claimed water rights for that portion of the northeast quarter of Section 5 Township 18S R21E in which the Guisti and Martin land is located. *Figure 1* shows the land for which water uses were

Source: Vol 9 San Pedro HSR at 103.

Source: Vol 9 San Pedro HSR at 103.

1 The Zone 2 Well Report 112-17-044 listed in Table 1 and associated with the Guisti and
2 Martin land shows the results of ADWR's investigation of Statement of Claimant 39-4303 filed
3 by St. David Water Association, which claimed 42 million gallons of water annually for
4 domestic/municipal use for 227 families. The Zone 2 Well Report concluded that St. David
5 Water Association provided municipal water for a number of sections of land including Section
6 5, Township 18S Range 21E. A copy of the Zone 2 Well Report is attached as Attachment C.
7 In its Status Report, the District stated that the St. David Domestic Water Improvement District
8 has replaced the St. David Water Association. It represented that the wells on the Guisti and
9 Martin properties are not used to provide water to the St. David Water Association. Thus, it does
10 not appear that the existing Zone 2 Well Report 112-17-044 applies to water uses by Ms. Guisti
11 and Mr. and Mrs. Martin.

12 **B. Cochise County Investments LLC**

13
14 The District reported that to the best of its knowledge, Cochise County Investments LLC
15 has only one well, 55-619450, on tax parcel number 121-15-024, which is part of the land
16 investigated in Watershed File Report No. 112-17-DBB-023 associated with contested case no.
17 W1-11-2128. Contested case W1-11-2128 has been initiated and consolidated with this case.

18 Based on the information provided by the District in its Status Report, no further action
19 is needed with respect to a potential well owned by Cochise County Investments LLC that may
20 have been included within Watershed File Report no. 112-17-044.

21
22 **C. Jacob H. and Jennifer J. Kartchner**

23 The District advised that the tax parcel number 124-18-013 listed in Table 1 should be
24 replaced with 124-18-011C8. It also stated that it does not believe that there is a well on tax
25

1 parcel number 124-18-011C8. According to the District, a portion of tax parcel number 124-
2 18-011C, is within the District's boundaries. It further states that that the contested case, W1-
3 11-1983, should be initiated and consolidated with this case. Contested Case W1-11-1983 will
4 adjudicate water rights investigated by Watershed File Report 112-14-BDA-004. The land
5 included in Watershed File Report 112-14-BDA-004 is shown on Attachment D. The owners
6 of the tax parcels located within the boundaries of Watershed File Report 112-14-BDA-004 are
7 shown on Attachment E.

8 The District reported that the Kartchners also own tax parcel number 124-19-004C
9 located in Section 24 Township 17S Range 20E. According to the District, two registered wells,
10 55-628282 and 55-628285, are located on that tax parcel. Tax parcel number 124-19-004C was
11 included in the land investigated in Watershed File Report 112-14-BDA-007, associated with
12 contested case no. W1-11-1986. Contested Case W1-11-1986 was consolidated with this case
13 on June 28, 2019.

14 **D. Enclave St. David LLC**

15 The District advised that tax parcel number 121-36-006K, associated with Watershed File
16 Report No. 112-17-DCA-009, has not been annexed into the District. Accordingly, no action
17 will be taken in this case with respect to Watershed File Report No. 112-17-DCA-009. The
18 claims for water rights that are the subject of Watershed File Report No. 112-17-DCA-009 shall
19 be adjudicated in contested case W1-11-2186.
20

21 **E. Least Agriculture, LLC**

22 Table 1 associated tax parcel number 123-07-004B with Least Agriculture, LLC. The
23 District advised that the tax parcel number should be changed to 123-26-011F. This tax parcel
24 is included in the land investigated by Watershed File Report 112-17-BAD-28, contested case
25

1 W1-11-1917, which has been consolidated with this case. Least Agriculture LLC also owns tax
2 parcel number 123-05-001. This tax parcel was included in the land investigated by Watershed
3 File Report 112-17-BAD-011, contested case W1-11-1905, which has been consolidated with
4 this case.

5 The District also contends that contested case W1-11-1635, associated with the Zone 2
6 Well Report 112-17-037, a copy of which is attached as Attachment F, should be consolidated
7 with this case. The Zone 2 Well Report 112-17-037 is a report finding that the Pomerene
8 Domestic Water Users Association provides water from two wells for municipal purposes.
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10
11 **IT IS ORDERED:**

12 **1. Status Conference.** A Status Conference shall be held on **August 18, 2022 at**
13 **2:30 p.m.** The purpose of the Status Conference will be to:

- 14 a. discuss whether contested case W1-11-1642, associated with Zone 2 Well
15 Report 112-17-044, should be initiated and consolidated with this case;
16 b. discuss the appropriate procedures to address water rights associated with
17 water pumped from wells 55-617943, 55-613373, 55-613374, and 55-
18 613375;
19 c. discuss whether contested case W1-11-1983, associated with WFR 112-
20 14-BDA-004 should be initiated and consolidated with this case; and
21 d. discuss whether contested case W1-11-1635, associated with Zone 2 Well
22 Report 112-17-035 should be initiated and consolidated with this case.

23 **2. Appearance at Status Conference.** The Status Conference shall be held
24 using the Court Connect program. Instructions for Court Connect are attached as Attachment G.
25

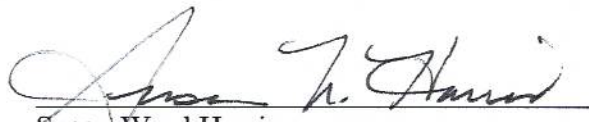
1 If you receive this Order by email, click on the red box "Join Court Connect Hearing" on the
2 attached instructions to make an appearance. If you do not receive this Order by email, log into
3 the Court Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If
4 you do not have access to the internet, you may attend telephonically using the telephone number
5 and access code included in the instructions for Court Connect. You may also attend
6 telephonically using the following numbers:

7 Instructions for telephonic participation:

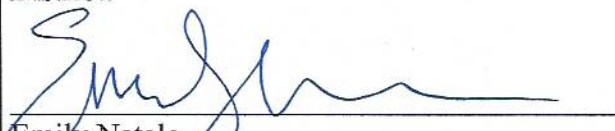
8 Dial: 602-506-9695 (local)

9 1-855-506-9695 (toll free long distance)

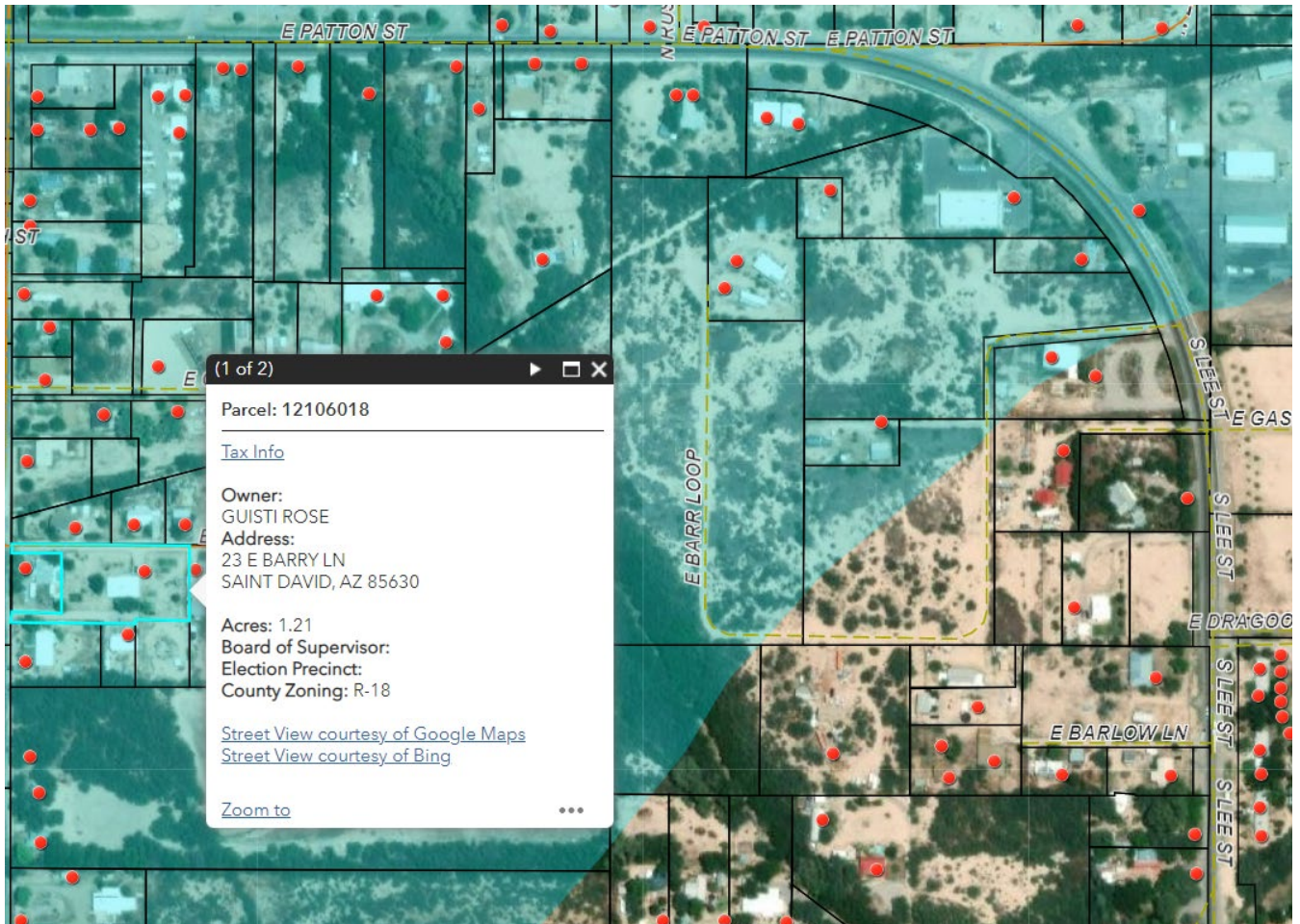
Dial Collaboration (conference) Code 357264#

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12 Susan Ward Harris
Special Master

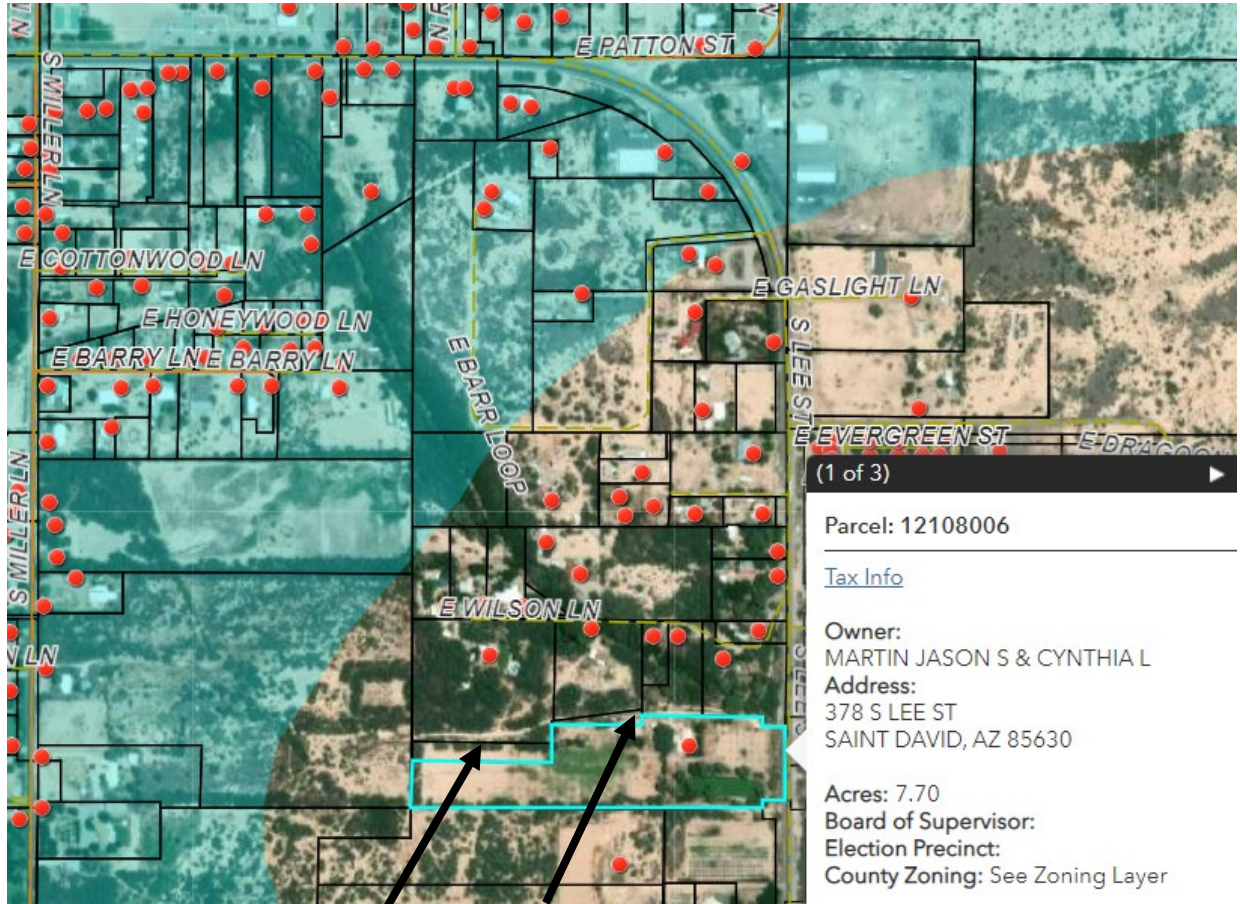
13 On July 27, 2022, the original of the foregoing was
14 delivered to the Clerk of the Maricopa County Superior
15 Court for filing and distributing a copy to all persons listed
16 on the Court-approved mailing list for this contested case
and a courtesy copy to Rose Guisti, Jason and Cynthia
Martin, and St. David Domestic Water Improvement
District.

17 
18 Emily Natale

Attachment A



Attachment B



Parcel 12108010

Parcel 12108007B

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Attachment C

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|---------------------------|---------------|
| LAND OWNER | ZONE 2 WELL |
| ----- | REPORT NUMBER |
| ST. DAVID WATER ASSOCIAT. | 112-17-044 |

| WELLS | WELL NAMES | WELL LOCATION | | | WATER USES SERVED | REMARKS |
|-------|------------|---------------|------|------|-------------------|------------|
| | | SECTION | TWNP | RNGE | | |
| WO1 | UNNAMED | NWSWSW33 | 17OS | 21OE | MU001 | W1-11-1642 |
| WO2 | UNNAMED | SWNWSW33 | 17OS | 21OE | MU001 | |

| WATER USE NUMBERS | WATER USE LOCATION | | | *** APPARENT FIRST USE *** | | APPAR. ANNUAL VOLUME USED | ACRES IRRIGATED |
|-------------------|--------------------|------|------|----------------------------|----------------|------------------------------|--------------------|
| | SECTION | TWNP | RNGE | DATE | BASIS FOR DATE | | |
| MU001 | 04 | 18OS | 21OE | 1969 | FILING 39-4303 | 125.4 AFA | |
| | 05 | 18OS | 21OE | | | | |
| | 06 | 18OS | 21OE | | | | |
| | 08 | 18OS | 21OE | | | | |
| | 09 | 18OS | 21OE | | | | |
| | 31 | 17OS | 21OE | | | | |
| | 32 | 17OS | 21OE | | | | |
| | 33 | 17OS | 21OE | | | | |

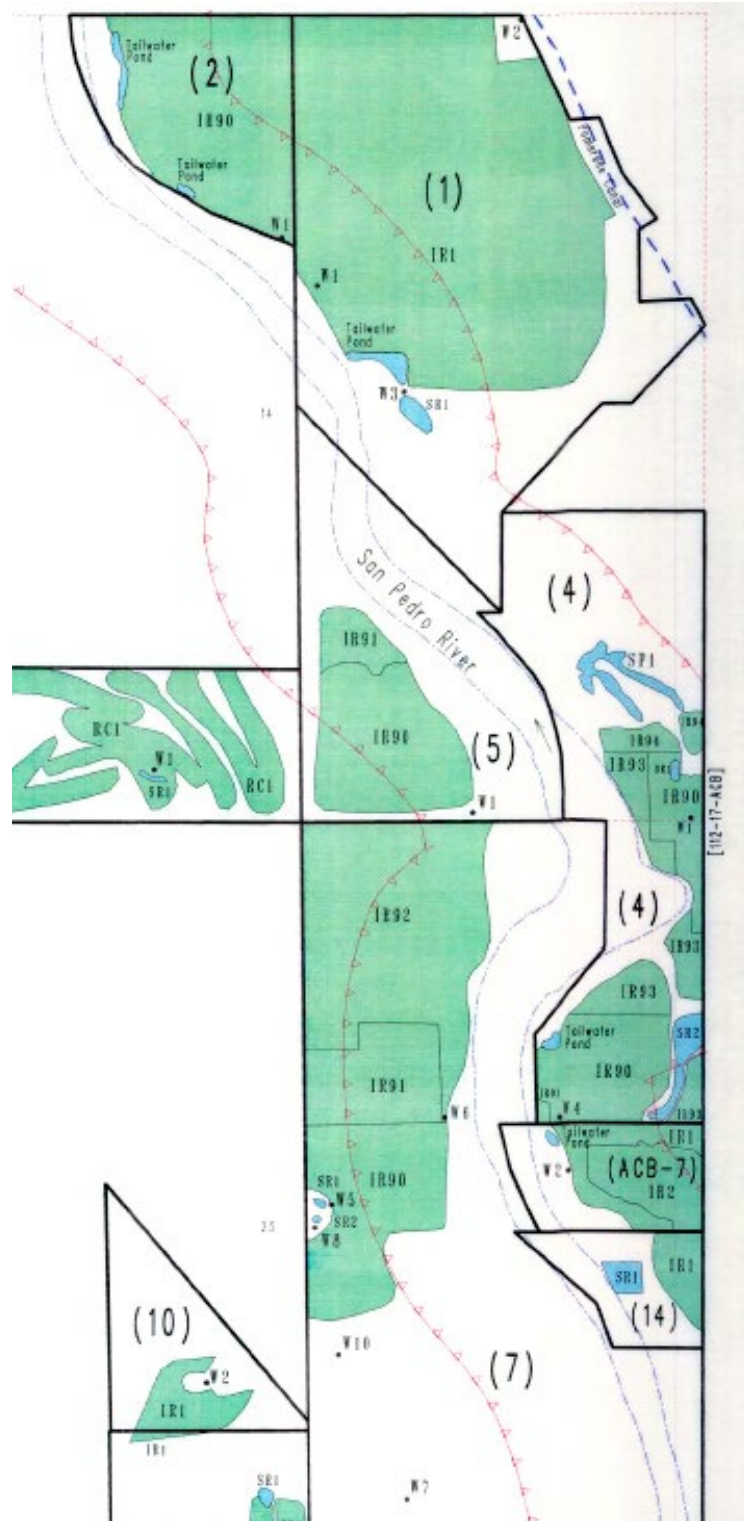
| APPLICABLE STATEMENTS OF CLAIMANT | APPLIES TO: WELLS | APPLIES TO: WATER USES |
|--------------------------------------|----------------------|---------------------------|
| ----- | ----- | ----- |
| 39-0004303 | WO1 | MU001 |

EXPLANATION

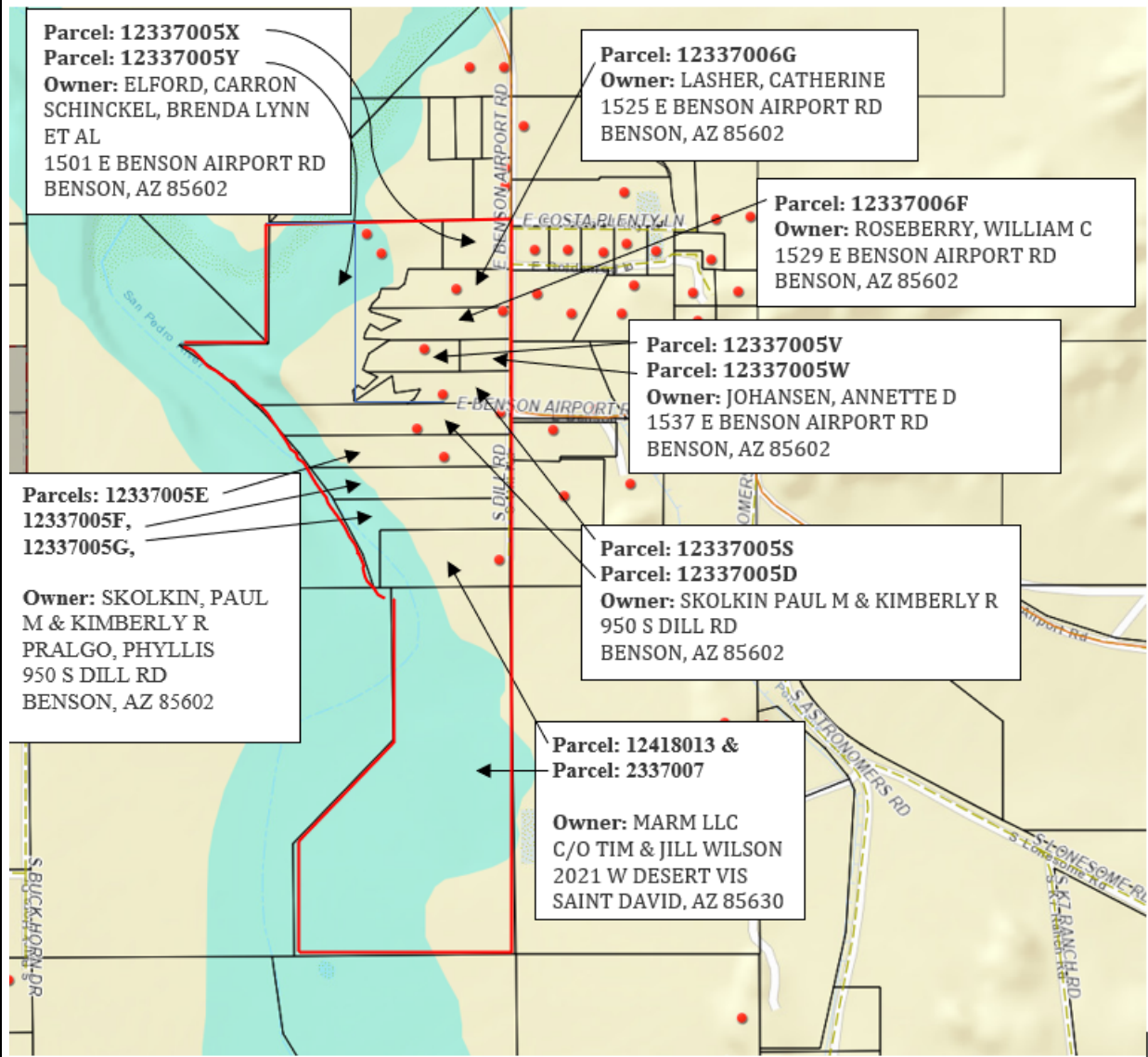
W1 & W2 - WELLS PROVIDE WATER FOR MUNICIPAL USES.

MU1 - MUNICIPAL WATER USE: ST. DAVID WATER ASSOCIATION. FOR MORE INFORMATION ON THE ST. DAVID WATER ASSOCIATION, SEE THE MAJOR USERS REPORTS IN VOLUME 1.

Attachment D



Attachment E



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Attachment F

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|--------------------------|------------------------------|
| LAND OWNER | ZONE 2 WELL REPORT NUMBER |
| ----- | ----- |
| POMERENE DOMESTIC W.U.A. | 112-17-037 |
| % G. SHERMAN | |

| WELLS | WELL NAMES | WELL LOCATION | | | WATER USES SERVED | REMARKS |
|-------|------------|---------------|------|------|-------------------|------------|
| | | SECTION | TWNP | RNGE | | |
| WO1 | UNNAMED | NWNESE34 | 160S | 200E | MU001 | W1-11-1635 |
| WO2 | UNNAMED | SENESE35 | 160S | 200E | MU001 | |

| WATER USE NUMBERS | WATER USE LOCATION | | | *** APPARENT FIRST USE *** | | APPAR. ANNUAL VOLUME USED | ACRES IRRIGATED |
|-------------------|--------------------|------|------|----------------------------|----------------|------------------------------|--------------------|
| | SECTION | TWNP | RNGE | DATE | BASIS FOR DATE | | |
| MU001 | O2 | 170S | 200E | 1948 | FILING 39-5940 | 153.0 AFA | |
| | O3 | 170S | 200E | | | | |
| | 27 | 160S | 200E | | | | |
| | 34 | 160S | 200E | | | | |
| | 35 | 160S | 200E | | | | |

| APPLICABLE STATEMENTS OF CLAIMANT | APPLIES TO: WELLS | APPLIES TO: WATER USES |
|--------------------------------------|----------------------|---------------------------|
| ----- | ----- | ----- |
| 39-0005940 | WO1, WO2 | MU001 |

EXPLANATION

W1 & W2 - WELLS PROVIDE WATER FOR MUNICIPAL USES.

MU1 - MUNICIPAL WATER USE: POMERENE DOMESTIC WATER USERS ASSOCIATION. FOR MORE INFORMATION ON THE POMERENE DOMESTIC WATER USERS ASSOCIATION, SEE THE MAJOR USERS REPORTS IN VOLUME 1.

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Attachment G



Court Connect Hearing Notice for In re St. David Irrigation District

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 St. David Irrigation District, Contested Case No. W1-11-1675

Start Date/Time: August 18, 2022 at 2:30 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](#)



Court Approved Mailing List
In re St. David Irrigation District
W1-11-1675 (91 Names)
Prepared by the Special Master
7/27/2022

Allen O. and Amanda R. Brandt
1410 N. Ocotillo Rd.
Benson, AZ 85602

Charles B. and Martha White Family
Trust
1080 S. Lee Street
St. David, AZ 85630

Anthony Merrill
Snell & Wilmer
400 E Van Buren Street, Suite 1900
Phoenix, AZ 85004

Charles L. Cahoy, Asst. City Attorney
Phoenix City Attorney's Office
200 W. Washington 13th Flr.
Phoenix, AZ 85003

Benson Farm Estates Gadarian &
Cacy, PLLC
2200 E. River Rd., Suite 123
Tucson, AZ 85718

CHERYL L EMRIE
3022 N SPARKMAN BLVD
TUCSON, Az 85716

Carla A. Consoli
May Potenza Baran & Gillespie P.C
1850 N. Central Avenue, 16th Floor
Phoenix, AZ 85004

Christopher and Kelsey Nelson
212 E DEA LN
ST DAVID, Az 85630

CARMEN PEREZ
320 E DEA LN
ST DAVID, Az 85630

Clerk of the Superior Court Maricopa
County
Attn: Water Case
601 West Jackson Street Phoenix, AZ
85003

Carrie Brennan & Kevin Crestin
Arizona Attorney General Natural
Resources Department
2005 No. Central
Phoenix, AZ 85004

CMH Homes
5000 Clayton Road
Maryville, TN 37804

COCHISE COUNTY
ASSESSOR (REDACT
10/6/201
PO BOX 168
Bisbee, Az 85603

DMR RANCH-HCA LLC
PO BOX 40
ST DAVID, Az 85630

COCHISE COUNTY Board of
Supervisors
1415 W MELODY LN Bldg. 6
Bisbee, Az 85603

DON & DEBBIE WEBER
453 E MECHAM DR
ST DAVID, AZ 85630

COUNCIL ROCK LLC
PO BOX 235
ST DAVID, Az 85630

DONNE SEGUIN
P O BOX 57582
Tucson, AZ 85732

D. A. Brown, J. Albert Brown,
Amy Brown
Garrett W. Perkins of Brown &
Brown Law
P. O. Box 1890
St. Johns, AZ 85936

Edward M Knowlton
2172 Tahoe Pl
Sierra Vista, AZ 85635-4905

DAMON & MARIE TREJO
PO BOX 315
ST DAVID, AZ 85630

Eileen J. Brandt
P.O. Box 330
Sahuarita, AZ 85629

DARREN A & ELIZABETH
CRAY
PO BOX 387
ST DAVID, Az 85630

Enclave St. David LLC
1650 N Kold Road, Ste. 132
Tucson, AZ 85715

ERIC WHITFIELD & HERICA
JUDYTH STEWART
736 W Stardust Trail
St. David, AZ 85650-8136

GERALD L & JUDITH C
WITBECK
P O BOX 115
ST DAVID, AZ 85630

ERNEST G & MARLA L
PESQUEIRA
535 W PATTON ST
ST DAVID, Az 85630

Heather D. Borman
763 E. Campa Lane
St. David, AZ 85630

FRED & CONNIE LYNN LIBBY
626 S LEE ST
ST DAVID, Az 85630

HOLLY DRAPER
381 S APACHE POWDER RD
ST DAVID, Az 85630

Garcia Santiago
8655 Scott Street
Rosemead, CA 91770

HOWARD LEE & MELANIE
JUDD
2246 S JUDD ST
ST DAVID, Az 85630

GARY ALAN & SUSAN LOREE
TREJO
P O BOX 254
ST DAVID, AZ 85630

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

GARY L & CINDA L GAYNOR
RUST
339 N HIGHWAY 80
ST DAVID, AZ 85630

Jason and Cynthia Martin
378 S Lee St
Saint David, AZ 85630

Jenny J. Winkler and Kelly
Schwab
City of Chandler
City Attorney's Office
Mail Stop 602, P. O. Box 4008
Chandler, AZ 85244-4008

JOANNE F GUINN
PO BOX 31273
TUCSON, Az 85751

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

John A. & Cheri D Ritz
Living Trust
P. O. Box 519
St. David, AZ 85630

John and Rebecca Hardwick
111 North McRae Lane
St. David, az 85630

John D. Burnside
BHP Copper, Inc. Snell &
Wilmer, L.L.P.
400 East Van Buren Street
Suite 1900
Phoenix, AZ 85004

John I & Amanda J. Malboeuf
PO Box 889
St. David, AZ 85630-0889

Josh Edelstein Phoenix Field
Solicitor
Office of the Solicitor
U.S. Department of the Interior
Sandra Day O'Connor U.S.
Courthouse
Ste. 404 401 W. Washington
St., SPC 44
Phoenix, AZ 85003

Juan and Lisa A. Gongora
410 E. Summer Ln.
Saint David, AZ 85630

KENNETH & JULIE HAYMORE

700 W STAR DUST TRL
ST DAVID, AZ 85630

KENNETH LEON & COLLEEN
A SCOTT
675 W RAINBOW TRL
ST DAVID, AZ 85630

Kimberly R. Parks and Kome
Akpolo
Arizona Department of Water
Resources
1110 West Washington, Suite
310
Phoenix, AZ 85007

Kris Carlson
Cochise County Attorney
P. O. Drawer CA
Bisbee, AZ 85603

Mark and Marion Kartchner
3040 N. Bear Canyon Rd
Tucson, AZ 85749

L. J. Caster, B.J. Heiserman, B.
J. Pew
Fennemore Craig, P.C.
2394 East Camelback Road
Ste 600
Phoenix, AZ 85016-3429

Mark and Marion Kartchner
2200 E. River Rd. Suite 123
Tucson, AZ 85718

LARRY BRENT & YVETTE V
GILL
135 S SYBIL RD
ST DAVID, A85630

MERRILL FAMILY TRUST
P O BOX 2004
Benson, Az 85602

LORENZO A & JUDY A DE LA
CRUZ
325 GASLIGHT LN
ST DAVID, AZ85630

MF1 MEDICAL CORP
PENSION PLAN
2139 HEATHER LANE
DEL MAR, CA 92014

LUIS S & ISABEL SANTIAGO
1024 E ORCHID LANE
Phoenix, AZ 85020

MICHAEL EUGENE &
TAMARA IONA RICE
685 W STARDUST TRL
ST DAVID, Az 85630

Mark and Carrie Fenn
217 Pomerene Road
Benson, AZ 85602

Nicholas & Jessica Fleck
901 E. Hazzard Ln
St. David, AZ 85630-6269

Norman Gene & Annie Jane
McWhorter
P. O. Box 478
St. David, AZ 85630

Rhett Billingsley
Fennemore Craig, P.C.
2394 E. Camelback Rd. Ste.
600
Phoenix, AZ 85016

PATRICK J DOWNING
1826 W PATTON ST
ST DAVID, Az 85630

RICHARD A CARLSEN
P. O. Box 391
St. David, AZ 85630

PAUL G & AMY D
LACHMANEK
PO BOX 479
ST DAVID, Az 85630

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

PAUL M STEWART FAMILY
TRUST
PO BOX 516
St. David, AZ 85630

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

R. Lee Leininger, David W.
Gehlert
U.S. Department of Justice
Environment & Natural
Resources Division
Natural Resources Section
999 18th Street, S. Terrace,
Suite 370
Denver, CO 80202

ROBERT F & STEPHANIE A
BLANCHETTE
623 W RAINBOW TRAIL
ST DAVID, Az 85630

Randy E. Beeham, Rebecca
Beeham
P O Box 267
Benson, AZ 85601

ROGER & MARSHA
THOMPSON
1160 W CALLE PRIVADO
SAHUARITA, AZ 85629

Ronald B Higginbotham
Decedent's Trust
P. O. Box 194
St. David, AZ 85630

SECRETARY OF HOUSING &
URBAN DEVELOPMENT
301 N. W. 6th Street, Suite 200
OKLAHOMA CITY, OK 73102

RUSTY DEAN & LAURIE ANN
TAYLOR
795 W STAR DUST TRL
ST DAVID, AZ 85630

STATE OF ARIZONA C/O Bd.
of Supervisors
1415 W MELODY LN
Bisbee, Az 85603

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

STEVEN RAUN & BARBARA
KAY TREJO
PO BOX 842
ST DAVID, AZ 85630

Safford District Office
U.S. Bureau of Land
Management
711 14th Avenue
Safford, AZ 85546

Susan Ward Harris
Special Master
Central Court Building, Ste 3A
201 West Jefferson
Phoenix, AZ 85003-2205

Scott E. Thacker
Scott Thacker Limited Family
Partnership
P.O. Box 938
Benson, AZ 85602

TERRY E & EILEEN F
MAYNARD
7452 E LOMPOC AVE
Mesa, Az 85209

Sean Hood
Fennemore Craig, P.C.
2394 E Camelback Rd, St 600
Phoenix, AZ 85016-3429

Thomas L. Murphy
Gila River Indian Community
Office of the General Counsel
P. O. Box 97
Sacaton, AZ 85147

TODD JARRETT & MARILYN
JEAN CARPENTER
PO BOX 860
ST DAVID, AZ 85630

Wilbert J. Taebel
City of Mesa
City Attorney's Office
P. O. Box 1466
Mesa, AZ 85211-1466

WILLIAM F MILLER
731 K ST
Davis, CA 95616

William Gordon
7063 E. Hayne Place
Tucson, AZ 85710

William H. Anger & Michael P.
Rolland
Engelman Berger, P.C.
2800 N. Central Ave., Ste. 1200
Phoenix, AZ 85004

Yosef M. Negose
U. S. Department of Justice
Environment and Natural
Resources Division
Indian Resources Section
P.O. Box 7611
Washington, DC 20044

YOUNG STEVEN CARL &
JULIA MERRELL
PO Box 773
ST DAVID, AZ 85630

Courtesy Copies
(this order only)

St. David Domestic Water
Improvement District
112 W. Patton St
St. David, AZ 85630

Rose Guisti
23 E. Barry Ln
Saint David, AZ 85630

Jason and Cynthia Martin
378 S. Lee St
Saint David, AZ 85630