

1 Karen J. Nielsen (Bar No. 034648)  
2 Arizona Department of Water Resources  
3 Legal Division  
4 1110 W. Washington St., Suite 310  
5 Phoenix, Arizona 85007  
6 Telephone: 602-771-8472  
7 Fax: 602-771-8687  
8 [knielsen@azwater.gov](mailto:knielsen@azwater.gov)

9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
10 **IN AND FOR THE COUNTY OF MARICOPA**

11 IN RE THE GENERAL ADJUDICATION  
12 OF ALL RIGHTS TO USE WATER IN  
13 THE GILA RIVER SYSTEM AND  
14 SOURCE

15 W-1 (Salt)  
16 W-2 (Verde)  
17 W-3 (Upper Gila)  
18 W-4 (San Pedro)  
(Consolidated)

Contested Case No. W1-11-1214

**ARIZONA DEPARTMENT OF WATER  
RESOURCES' STATUS REPORT AND  
NOTICE OF FILING AMENDED WFR  
AND REPORT**

Special Master Sherri Zendri

19 **CONTESTED CASE NAME:** *In re Robert S. and Judi MacNeil*

20 **HSR INVOLVED:** San Pedro River Watershed Hydrographic Survey Report (“HSR”)

21 **DESCRIPTIVE SUMMARY:** The Arizona Department of Water Resources (“ADWR”) provides a status report and notice of filing an amended Watershed File Report (“WFR”) as requested in the Court’s Order issued on June 2, 2025.  
22  
23

24 **NUMBER OF PAGES:** Four and eight-page attachment

25 **DATE OF FILING:** August 7, 2025  
26

Pursuant to the Order on Motion for Clarification (“Order”), filed on June 2, 2025 in this contested case, ADWR hereby informs the Court that the Statements of Claim of Right filed by the Karl F. Schmitt and Patrick J. Dome Revocable Living Trust and Joseph Coffel have been processed by ADWR’s Surface Water Section and have received filing numbers. In accordance with the Order, ADWR has prepared an Amended WFR for WFR No. 111-24-085 and Report, included as Attachment A to this Notice.

Updated information on all filings associated with this contested case are included in the tables below.

<b>Filings Made for Karl F. Schmitt and Patrick J. Dome Revocable Living Trust</b>		
<b>Filing Number</b>	<b>Type</b>	<b>Processed?</b>
<a href="#">36-200124</a>	Statement of Claim of Right	Yes (07/08/25)
<a href="#">39-17527</a>	SOC Assignment, Domestic	Yes <sup>1</sup>
<a href="#">39-17527</a>	SOC Amendment, Domestic	Yes <sup>2</sup>
<a href="#">39-17527</a>	SOC, Other Use	Yes <sup>3</sup>
<a href="#">55-215896</a>	Request to Change Well Information	Yes <sup>4</sup>
<a href="#">55-516198</a>	Request to Change Well Information	Yes <sup>5</sup>
<a href="#">55-546772</a>	Request to Change Well Information	Yes <sup>6</sup>

<sup>1</sup> See Imaged Record for Statement of Claimant No. 39-17527, PDF p.1 (as of April 16, 2025), <https://infoshare.azwater.gov/docushare/dsweb/Get/SOCDoc-85817/39-17527.pdf> .

<sup>2</sup> *Id.* at PDF p.19.

<sup>3</sup> *Id.* at PDF p.55.

<sup>4</sup> See Imaged Record for Well Registry No. 55-215896, PDF p.1 (as of April 16, 2025), <https://infoshare.azwater.gov/docushare/dsweb/Get/WellRegDoc-318428/454.pdf> .

<sup>5</sup> See Imaged Record for Well Registry No. 55-516198, PDF p.1 (as of April 16, 2025), <https://infoshare.azwater.gov/docushare/dsweb/Get/WellRegDoc-349979/299.pdf> .

<sup>6</sup> See Imaged Record for Well Registry No. 55-546772, PDF p.1 (as of April 16, 2025), <https://infoshare.azwater.gov/docushare/dsweb/Get/WellRegDoc-350215/526.pdf> .

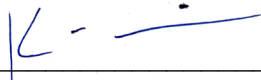
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

Filings Made for Joseph J. Coffel		
Filing Number	Type	Processed?
<a href="#">36-200125</a>	Statement of Claim of Right	Yes (07/08/25)
<a href="#">39-6364</a>	SOC Assignment, Domestic	Yes <sup>7</sup>
<a href="#">39-6364</a>	SOC Amendment, Domestic	Yes <sup>8</sup>

The original of this Report and Notice is being filed with the Clerk and is being posted to ADWR’s website at: <https://azwater.gov/adjudications>.

**DATED** this 7th day of August, 2025.

ARIZONA DEPARTMENT OF WATER  
RESOURCES

  
\_\_\_\_\_  
Karen J. Nielsen, Deputy Counsel

---

<sup>7</sup> See Imaged Record for Statement of Claimant No. 39-6364, PDF p.1 (as of April 16, 2025), <https://infoshare.azwater.gov/docushare/dsweb/Get/SOCDoc-3166/39-6364.pdf> .  
<sup>8</sup> *Id.* at PDF p.13.

1 **ORIGINAL** of the foregoing notice and attachment  
2 sent by first-class mail on August 7, 2025, to:

3 Clerk of the Maricopa Superior Court  
4 Attn: Water Case  
5 601 W. Jackson Street  
6 Phoenix, Arizona 85003

7 **COPY** of the foregoing notice and attachment  
8 sent via electronic mail on August 7, 2025, to:

9 Special Master Susan Ward Harris  
10 [water@jbazmc.maricopa.gov](mailto:water@jbazmc.maricopa.gov)

11 **COPIES** of the foregoing notice and attachment  
12 sent by first-class mail on August 7, 2025, to all  
13 parties on the court-approved mailing list  
14 for Contested Case No. W1-11-1214.

15 *Lizette Fuentes*  
16 \_\_\_\_\_  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

# **ATTACHMENT A**

**LAND OWNER**

COFFEL JOSEPH J,  
SCHMITT KARL F & DOME PATRICK J,  
SCHMITT KARL F & PATRICK J DOME REV LIVING  
TRUST

**WATERSHED FILE REPORT NUMBER**

111-24-085

**TITLE**

AMENDED WFR 2025

**APPLICABLE FILINGS AND DECREES**

**CLEARLY STATED INFORMATION FROM FILINGS AND DECREES**

FILING NO.	FILING STATUS	FILING DATE	USES	QUANTITY IN AFA	USE LOCATION			CLAIM DATE	DIVERSION LOCATION		
					SECTION	TWNP	RNGE		SECTION	TWNP	RNGE
36-200125	ACTIVE	2/18/2025	DOMESTIC	1	NENE28	23S	22E	2/5/1902	NENE28	23S	22E
36-200124	ACTIVE	2/18/2025	DOMESTIC	1	NENE28	23S	22E	2/5/1902	NENE28	23S	22E
39-06364	AMENDED	2/19/2025	DOMESTIC	1	NENE28	23S	22E	2/5/1902	NENE28	23S	22E

**DWR ANALYSIS OF FILINGS AND DECREES**

FILING NO.	USES CLAIMED OR REFERENCED		USES FOUND BY DWR		APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
	1991	2025	1991	2025		
36-200125	N/A	DOMESTIC	N/A	DOMESTIC	W01	DM001
36-200124	N/A	DOMESTIC	N/A	DOMESTIC	W02	DM002
39-06364	DOMESTIC	DOMESTIC	DOMESTIC	DOMESTIC	W01	DM001
	WILDLIFE		WILDLIFE (INCIDENTAL)	NONE		NONE
	IRRIGATION					NONE
55-637785	DOMESTIC WATER PRODUCTION	DOMESTIC WATER PRODUCTION	DOMESTIC	DOMESTIC	W01	DM001
55-215896	N/A	DOMESTIC WATER PRODUCTION	N/A	DOMESTIC	W02	DM002



DIVERSIONS

DIV	LOCATION			FILING NUMBER	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
	SECTION	TWNP	RNGE			
W01	NWNENE28	23S	22E	55-637785	UNNAMED	WELL: INSIDE SUBFLOW ZONE OF THE SAN PEDRO RIVER
W02	SWNENE28	23S	22E	55-215896	UNNAMED	WELL: INSIDE SUBFLOW ZONE OF THE SAN PEDRO RIVER

USES

PWR #	LOCATION			SUPPLIED BY DIVERSION	WATER SOURCE	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
	SECTION	TWNP	RNGE					
DM001	SWNENE28	23S	22E	W01	WELL: INSIDE SUBFLOW ZONE OF THE SAN PEDRO RIVER	04/19/85	NO	UNKNOWN
DM002	NWNENE28	23S	22E	W02	WELL: INSIDE SUBFLOW ZONE OF THE SAN PEDRO RIVER	6/31/2007	NO	UNKNOWN

PWR SUMMARY

PWR#	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	APPARENT FIRST USE DATE		WATER SOURCES AND CLASSIFICATION
			DATE	BASIS FOR DATE	
DM001	39-06364	FILED CONTEMPORANEOUSLY	3/27/1978	WELL 55-637785 COMPLETION DATE	WELL: INSIDE SUBFLOW ZONE OF SAN PEDRO RIVER
DM002	NONE	NONE	10/22/2007	WELL 55- 215896 PUMP INSTALL DATE	WELL: INSIDE SUBFLOW ZONE OF SAN PEDRO RIVER

QUANTITIES OF USE

PWR#	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DM001						1 AFA	QUANTITY BASED ON 39-6364 and 36-200125
DM002						1 AFA	QUANTITY BASED ON 36-200124

EXPLANATIONS

DIVERSIONS

W01 - WELL 55-637785 DRILLED 3/27/1978 PROVIDES WATER FOR DOMESTIC USE AND IS LOCATED WITHIN THE SUBFLOW ZONE OF THE SAN PEDRO RIVER.

W02 - WELL 55-215896 DRILLED 10/21/2007 PROVIDES WATER FOR DOMESTIC USE AND IS LOCATED WITHIN THE SUBFLOW ZONE OF THE SAN PEDRO RIVER.



**W1-11-1214 In re Robert S. and Judi MacNeil**  
**Report on Amended WFR 111-24-085**

**Introduction and Background**

The Arizona Department of Water Resources (“ADWR”) has prepared this report in response to the Court’s June 2, 2025 Order<sup>1</sup> (“Order”) in the above-referenced contested case regarding the Final San Pedro Watershed Hydrographic Survey Report (1991) (“HSR”).<sup>2</sup>

The Order requested that ADWR file an amended Watershed File Report (“WFR”)<sup>3</sup> thirty (30) days after the filings were processed. The land investigated as part of this WFR is within the Subflow Zone of the San Pedro River.<sup>4,5</sup>

**WFR Boundary and Land Ownership**

This contested case involves WFR No. 111-24-085, which is defined as being within the east half of the Northwest ¼, Northeast ¼, Northeast ¼, and the Southwest ¼, Northeast ¼, Northeast ¼ of Section 28 Township 23 South Range 22 East.

When ADWR published the HSR, this WFR was comprised of only Cochise County Tax Parcel No. 10442008 owned by Robert S. and Judi MacNeil. The WFR size and location have not changed, however it is now comprised of three parcels, listed from north to south: 10442008D, 10442008G and 10442008H owned by Karl F. Schmitt and Patrick J. Dome Rev Living Trust, Karl Schmitt and Patrick J. Dome,<sup>6</sup> and Joseph J. Coffel respectively.<sup>6</sup>

---

<sup>1</sup> Case Management Order for Arizona Department of Water Resources to File Amended Watershed File Report, *In re Robert S. and Judi MacNeil*, Contested Case No. W1-11-1214, June 2, 2025 at PDF p. 4.

<https://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/docs/W1-11-1214-OR-to-clarify-6-2-25.pdf>

<sup>2</sup> ADWR. (November 20, 1991). Hydrographic Survey Report for the San Pedro River Watershed. <https://infoshare.azwater.gov/docushare/dsweb/View/Collection-19508>.

<sup>3</sup> *Supra* n. 1.

<sup>4</sup> ADWR. (April 2014). Revised Subflow Zone Delineation Report for the San Pedro River Watershed. <https://infoshare.azwater.gov/docushare/dsweb/View/Collection-19500>.

<sup>5</sup> ADWR. (May 2015). Supplement to 2014 Subflow Zone Delineation Report for the San Pedro River Watershed. <https://infoshare.azwater.gov/docushare/dsweb/View/Collection-19502>.

<sup>6</sup> Cochise County Assessor's Office (2025) *Cochise County Open Data, Parcel* <https://gis-cochise.opendata.arcgis.com/>



## HSR Summary

The HSR lists two potential water rights (“PWRs”) for WFR No. 111-24-085: DM001 for domestic use and SR001 for a reservoir for wildlife use, both claimed in original Statement of Claimant (“SOC”) No. 39-6364. The HSR indicates there were no applicable pre-adjudication filings associated with this SOC and the domestic use is sourced from a well within Zone 1 of the San Pedro River Watershed.<sup>7</sup> The source of water for the storage reservoir is listed as surface water. The HSR also indicates ADWR found the wildlife and irrigation uses claimed in SOC No. 39-6364 to be incidental. SR001 was listed as a storage reservoir for wildlife use and the irrigation of less than one half acre is included in the domestic use of DM001. No volume was estimated for DM001 and the SR001 estimated volume is less than 15.0 acre-feet. ADWR made both estimates in accordance with the investigative procedures outlined in the HSR.<sup>8</sup> The HSR does not list an apparent first use date for DM001 but does list 1984 as the apparent first use date for SR001 based on aerial imagery.

## SOC Information

Robert S. MacNeil filed SOC 39-6364 July 1, 1980. The SOC was amended and assigned February 19, 2025. The claimant name was assigned from Robert S. MacNeil to Joseph J. Coffel, and the claimed priority date was amended from March 27, 1978 to February 5, 1902. Mr. MacNeil did not claim an exact quantity for domestic use in the original SOC No. 39-6364, but did claim one dwelling. Mr. Coffel claimed a quantity of 1 acre-foot annually (AFA) for domestic use on parcel 10442008H located in the southern portion of the WFR and did not claim any other beneficial use. Mr. MacNeil claimed a well as the basis of right in the original SOC, but Mr. Coffel amended the basis of right to Water Rights Registration Act Registry No. “Filed contemporaneously.”

## Well Information

Two wells are present within the WFR and the source of water for both wells is the Subflow Zone of the San Pedro River.<sup>9,10</sup> Well No. 55-215896 is located within the northern parcel,

---

<sup>7</sup> See, Vol 1 – General Assessment of the San Pedro HSR, which notes that “Zone 1 wells were those wells presumed, for purposes of the HSR, to be pumping appropriable streamflow,” at 218. <https://infoshare.azwater.gov/docushare/dsweb/Get/Document-11097/Vol%201%20-%20General%20Assessment.pdf>

<sup>8</sup> See, Vol 1 – General Assessment of the San Pedro HSR Appendix C: Quantities of Use Determinations at C-84 and C-88  
<https://infoshare.azwater.gov/docushare/dsweb/Get/Document-11097/Vol%201%20-%20General%20Assessment.pdf>

<sup>9</sup> *Supra* n. 4.

<sup>10</sup> *Supra* n. 5.



Parcel No. 10442008D, owned by Karl F. Schmitt and Patrick J. Dome Rev Living Trust. The well supplies water for the domestic use claimed in Statement of Claim of Right No. 36-200124 and is registered to Karl F. Schmitt and Patrick J. Dome Revocable Living Trust. Well construction was completed October 21, 2007, and the pump capacity is listed as 10 gallons per minute according to the Well Registry Report for Well No. 55-215896.<sup>11</sup>

Well No. 55-637785 is located within the southern parcel, Parcel No.10442008H, owned by Joseph J. Coffel. The well was registered to Robert S. MacNeil at the time of publication of the HSR. The well is currently registered to Joseph Coffel and supplies water for the domestic use claimed in SOC No. 39-6364 and Statement of Claim of Right No. 36-200125. Well construction was completed January 1, 1978, and the pump capacity is not listed in the Well Registry Report.<sup>12</sup>

### **Surface Water Filings and Review of Legal Basis for Water Right**

There are two surface water filings applicable to this WFR, Statements of Claim of Right Nos. 36-200124 and 36-200125; both of which were filed on February 18, 2025. Karl F. Schmitt and Patrick J. Dome Revocable Living Trust filed Statement of Claim of Right No. 36-200124 claiming uses within and outside of the WFR. This filing claims a domestic use of 1 AFA from Well No. 55-215896 in the subflow zone within the northern portion of the WFR in Parcel No. 110442008D. Joseph J. Coffel filed Statement of Claim of Right No. 36-200125 claiming a domestic use of 1 AFA from Well No. 55-637785 in the subflow zone within the southern portion of the WFR in Parcel No. 110442008H.

Both surface water filings reference and include the same homestead patent and 1903 Government Land Office (GLO) topographic map as the basis of right. The patent is for the East ½ of the Northeast ¼ of Section 28 Township 23 South Range 22 East, which includes the WFR; but the patent also includes land east and south of the WFR. The GLO topographic map shows a house outside the WFR in Southeast 1/4, Southeast ¼, Northeast ¼ of Section 28 Township 23 South Range 22 East. No domestic uses within the WFR are shown on the GLO topographic map.

---

<sup>11</sup> See, AZ Department of Water Resources Well Registry Report – Wells55 generated April 10, 2025, at 1.

<https://infoshare.azwater.gov/docushare/dsweb/Get/WellRegDoc-318428/55-215896.pdf>

<sup>12</sup> See, AZ Department of Water Resources Well Registry Report – Wells55 generated November 2, 2023, at 1.

<https://infoshare.azwater.gov/docushare/dsweb/Get/WellRegDoc-264597/Binder1.pdf>.





1903 GLO topographic map 1991 investigation parcel map; WFR in red  
*Figure 1: Both maps of Section 28 have a green outline  
of the East ½ of NE ¼ of Section 28 as listed in the patent*

## Aerial Imagery and Topographic Map Review

While completing an analysis for this amended WFR, ADWR reviewed all aerial imagery for each available year from its own repository, the National Agriculture Imagery Program (“NAIP”), and Google Earth Pro. The only aerial image referenced for this WFR in the HSR and associated investigation notes are from either 1984 or 1985. Based on a review of ADWR’s original investigation notes, it appears the HSR reference to a 1984 aerial image is a mistake and should have read 1985. No dwelling is visible in the 1985 aerial image in the northern portion of the WFR in Parcel No. 10442008D. The 1985 aerial image confirms the presence of DM001 and SR001 in the southern portion of the WFR in Parcel No. 10442008H. Aerial imagery from 1978 to 2023 was reviewed. A dwelling is visible in the northern parcel, Parcel No. 10442008D, from 2006 through 2023. In the southern parcel, Parcel No. 10442008H, the SR001 reservoir appears to be dry from 2007 through 2023, and a dwelling is visible from 1978 through 2023. Available topographic maps from 1903 to 1996 were also reviewed<sup>13</sup>. The SR001 reservoir was not on any of the topographic maps reviewed. A dwelling in Parcel No. 10442008H is present on a 1996 topographic map. The dwelling in Parcel No. 10442008H was built in 1978, and the dwelling in Parcel No. 10442008D was built 2006 according to the Cochise County Assessor Property Records Search website.<sup>14</sup>

<sup>13</sup> United States Geological Survey (2025) *Get Maps | topoView - National Geologic Map Database* <https://ngmdb.usgs.gov/topoview/viewer/>

<sup>14</sup> Cochise County (2025) *Property Records Search* <https://asr.cochise.gov/>



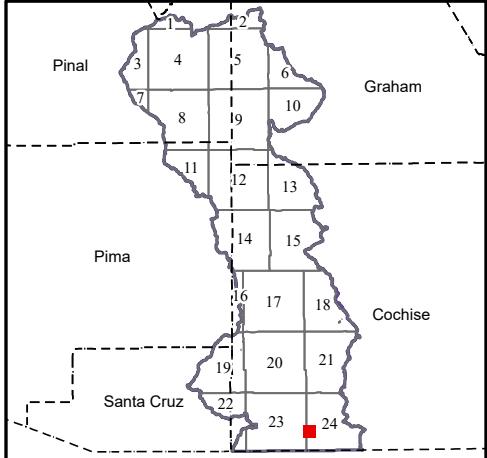
## Summary and Conclusion

ADWR amended WFR No. 111-24-085 based on amended SOC No. 39-6364; Statements of Claim of Right Nos. 36-200124 and 36-200125; and Well Nos. 55-215896 and 55-637785. The amended WFR table and map are attached to this report.





WFR Boundary     Subflow Zone  
 County Assessor Parcels     Water Use Type  
 Point of Diversion     Domestic  
 Well



Watershed File Report  
**111-24-085**  
 Landowner  
 COFFEL, JOSEPH J;SCHMITT, KARL F  
 and DOME, PATRICK J;SCHMITT,  
 KARL F & PATRICK J DOME REV  
 LIVING TRUST  
 HSR Region 24

**San Pedro River Watershed**  
 Sierra Vista Subwatershed  
  
 ADWR August 2025

Scale: 1:3,000  
 Basemap: NAIP 2023