

SUPERIOR COURT OF ARIZONA  
IN AND FOR APACHE COUNTY

September 19, 2024

CLERK OF THE COURT  
T. DeRaddo  
Deputy

SPECIAL WATER MASTER  
SHERRI ZENDRI

*In Re: First American Title Insurance Co. of Arizona*

**Contested Case No: CV6417-33-5704**

In re the General Adjudication of  
All Rights to Use Water in the  
Little Colorado River System and Source

FILED: 9/24/24

In re: Status Conference  
HSR: Silver Creek Hydrographic Survey

**MINUTE ENTRY**

Courtroom CCB - 301

10:01 a.m. This is the time set for a virtual/telephonic initial Status Conference. This case will determine rights to use water on the properties that the Navajo County Assessor has identified as owned by certain individuals, to determine rights to use water.

The following attorneys and parties appear virtually/telephonically via Court Connect/Teams.

- Millett Herbert, landowner
- James Chartier, landowner
- Eliodoro Montes, landowner
- Michael and Kelly Nail, landowners
- David Willett and Michael Willett appeared telephonically, but the call dropped
- Mike Foy on behalf of Salt River Project - SRP
- Garrett Perkins on behalf of The LCR Coalition
- Maggie Woodward on behalf of the United States Department of Justice
- Brandon Delgado on behalf of the Hopi Tribe
- Katya Lancero on behalf of the Navajo Nation
- Karen Nielsen on behalf of Arizona Department of Water Resources - ADWR

Roberto Wilson of Court Interpretation and Translation Services is present to assist landowner, Eliodoro Montes, in the Spanish language.

**Note:** In this matter, The United States Bureau of Land Management filed a Statement of Claimant (SOC) #39-84810 on June 5, 1985, to assert claims to use water on the land. It contains a claim for stockpond watering. The Arizona Department of Water Resources (ADWR) investigated the claim and prepared Watershed File Report (WFR) 33-51-023, published in the Final Silver Creek Watershed Hydrographic Survey Report (1991). Thereafter, an objection was filed to the findings in the WFR. The purpose of this case is to consider claims for water rights in SOC 39-84810 and to resolve the objections to WFR No. 33-51-023.

The Court states that the name of this case *In Re: First American Title Insurance Co. of Arizona* is similar to another case. Therefore, the Court will call this *First American Title Insurance Co. of Arizona II* to help identify it.

Maggie Woodward states that she believes that although an SOC was filed by the United States Dept. of Justice, they are not objectors in this case.

The Court notes that it appears that SRP is the only objector in this matter.

Millett Herbert states that he intends to drill a well for water on his property. He is interested in asserting water rights and currently does not divert water to his property.

James Chartier states that he intends to drill at least one well. His concern is that since the swale runs diagonally through his property, it may affect his groundwater rights. At this time, he does not have immediate plans to drill a well but wants to preserve all water rights. He is not currently diverting any groundwater or surface water to his property.

Mr. Montes states that he has no water to his property. He may drill a well and wants to retain his rights to water.

Michael and Kelly Nail intend to drill a well for personal use and possibly create a stockpond for water runoff. Mr. Nail states that the swale also runs through their property.

The Court notes that David Willett and Michael Willett appeared telephonically earlier but dropped off and neither one has called in again.

The Court instructs the parties that if they drill a well, it needs to be registered through the Arizona Department of Water Resources (ADWR). The Court does not intend to schedule anything else in this matter until more research is conducted.

Mr. Foy states that SRP has objections regarding the priority dates and regarding basis of rights in this case. He states that the water-rights analyst reviewed the Case Initiation Order. Based on their review, they believe that only one of the ten parcels

identified in the Order is within the boundary of the WFR. It is No. 6 on the chart of landowners: Timothy R. Jeffries – 40495055. It is where the stockpond is located.

Karen Nielsen states that ADWR has not done a subflow analysis for Silver Creek.

10:22 a.m. Matter concludes.

**NOTE:** All court proceedings are recorded digitally and not by a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may request a CD of the proceedings. **For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100**, or order online at [ERS@superiorcourt.maricopa.gov](mailto:ERS@superiorcourt.maricopa.gov).

Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

A copy of this minute entry will be sent to all people on the court-approved mailing list for this matter.

**LATER:**

After additional research the Court found that there currently is not another case titled *In Re: First American Title Insurance Co. of Arizona*, Accordingly, the original name shall remain.

In developing the WFR for this contested case, ADWR appears to have investigated the land holdings of First American Title Insurance Co. within Section 28 of Township 12 North. Range 23 East in order to verify the claims made in Statement of Claimant 39-868410, Stockpond Claim 38-88015, and Statement of Claim 36-20160. To initiate this case, the Court notified all current owners of the land that appears to have been investigated.

SRP correctly points out that the only use identified in the WFR was a single stockpond in Lot 55 (Navajo County Parcel #404-95-055). However, this contested case encompasses all claims appurtenant to the land investigated in WFR 33-51-023, whether filed before or after the issuance of the Silver Creek HSR.

**IT IS ORDERED** that ADWR file a map indicating the extent of the land investigated in WFR No. 33-51-023 by **November 1, 2024**, so as to determine the scope of this contested case with certainty.

The Court will follow-up with next steps once the revised map is received to clarify the appropriate parties to this contested case.