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6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
7 IN AND FOR THE COUNTY OF APACHE
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9 IN RE THE GENERAL
10 ADJUDICATION OF ALL RIGHTS
11 TO USE WATER IN THE LITTLE
12 COLORADO RIVER SYSTEM AND
13 SOURCE
14

CV6417

Case: CV6417-33-5738

15 **ORDER INITIATING CONTESTED**
16 **CASE AND SETTING INITIAL**
17 **CONFERENCE**

18 CONTESTED CASE NAMES: *In re Jason C. and Lanna B. Carlisle*

19 HSR INVOLVED: Silver Creek Hydrographic Survey.

20 DESCRIPTIVE SUMMARY: The Clerk of Apache County is directed to initiate CV6417-
21 33-5738. Initial conference set for **Thursday, September 19, 2024, at 10:30 a.m.**

22 NUMBER OF PAGES: 15

23 **General Explanation**

24 This order opens a case to determine rights to use water on land that the Navajo
25 County Assessor has identified as owned by the individuals listed on Attachment A to
26 this order. The first step in this case is an initial conference with the Court, scheduled
27 for **Thursday, September 19, 2024, at 10:30 a.m.** to determine if each current
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landowner is interested in pursuing potential water rights. Each current landowner **MUST** attend the scheduled initial conference if they plan to pursue water rights claims. Failure to appear at the initial conference could result in the dismissal of the case and the loss of potential surface water rights.

In this case, Jason C. and Grace W. Carlisle (“Claimants”) filed Statement of Claimant (“SOC”) 39-86976 on July 1, 1985, to assert claims to use water on land that appears to comprise the Navajo County tax parcels listed on Attachment A to this order.

During the initial conference, each landowner must state whether they intend to pursue any water rights claims.

Additional background information on the process for determining water rights in Arizona can be found on Attachment B.

Details of the Case

Statements of Claimant (“SOCs”) 39-86976 and 39-86977 include claims for domestic and stockpond use.

The Arizona Department of Water Resources (“ADWR”) investigated the claims made by Claimants and prepared Watershed File Report (“WFR”) 33-51-062, published in the Final Silver Creek Watershed Hydrographic Survey Report (1991) (“Silver Creek HSR”). The WFR recorded that water was supplying two stockponds within northeast-northwest-northwest Section 30, Township 11 North Range 21 East. A copy of the WFR is attached as Attachment C. A copy of a map, prepared by ADWR, displaying the area investigated by ADWR attached as Attachment D.

After ADWR issued the WFR, objections were filed to the findings made in the WFR by the United States joined by the Navajo Nation, the Hopi Tribe, and the San Juan

1 Southern Paiute Tribe. The purpose of this case is to consider the claims in SOC's 39-
2 86976 and 39-86977 and to resolve the objections to WFR No. 33-51-062.

4 **Claimant and Landowners**

5 WFR 33-51-062 lists Jason C. and Lanna B. Carlisle as the owner of the property
6 investigated in 1991. According to maps obtained from the Navajo County Assessor's
7 ("Assessor") website, the land investigated appears to comprise the Navajo County tax
8 parcels listed on Attachment A to this order.

9 A copy of the map showing the relevant tax parcels and current ownership is also
10 attached as Attachment A. The public records of ADWR do not contain any assignments
11 of the SOC's listed in the WFRs, and landowners do not appear to have filed any
12 additional SOC's since the issuance of the 1991 HSR.

14 **Objections**

15 Objections to WFR 33-51-062 concern the lack of pre-adjudication documents to
16 justify the basis or right for the proposed water rights. In order to obtain a decreed water
17 right, a property owner must present to the Court both an appropriate SOC claiming a
18 water right in the name of current owner **and** evidence of that right. The SOC's filed for
19 stockpond uses in this contested case did not have an appropriate basis of right at the
20 time the WFR was investigated. Alternatively, the property owners may settle with
21 objectors. If either the property owner proves to the Court the existence of a water right
22 on their property or enters into a valid settlement approved by the Court, the court will
23 recognize enforceable water rights in a "Final Decree." Ariz. Rev. Stat. § 45-257(B).

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

IT IS ORDERED:

1. Case Initiation. This order initiates contested case CV6417-33-5738.

This case will resolve claims to use appropriable water asserted in Statements of Claimant 39-86976 and 39-86977 and objections that were filed to Watershed File Report No. 33-51-062.

2. Initial Conference. An initial conference shall be held on **Thursday, September 19, 2024, at 10:30 a.m.** to determine whether each current landowner intends to pursue claims for water rights. The conference will be held using the Court Connect program. Instructions for Court Connect are attached as Attachment E. If you receive this Order by email, click on the red box "Join Court Connect Hearing" on the attached instructions to make an appearance. If you do not receive this Order by email, log into the Court Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend telephonically using the telephone number and access code included in the instructions for Court Connect.

3. Parties. The litigants in this contested case are the claimants, the current landowners, and all parties who filed objections to the Watershed File Report. The objectors are the United States, the Hopi Tribe, the San Juan Southern Paiute Tribe, and the Navajo Nation.

4. Objections. Copies of objections filed to these cases can be found under the respective case names and numbers on the following website: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>.

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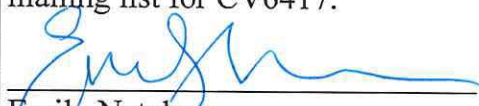
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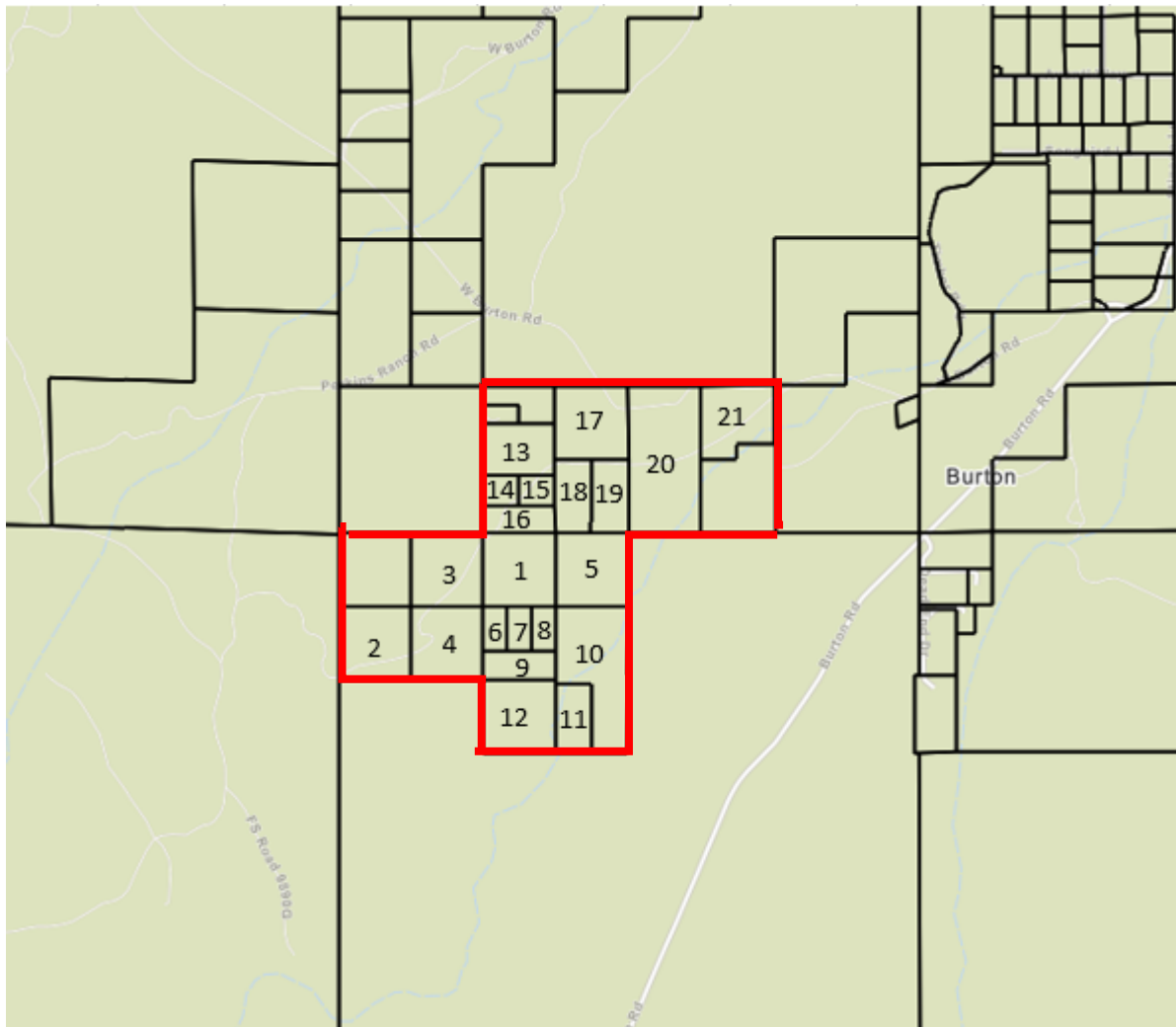
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4 On July 19, 2024, the original of the
5 foregoing was delivered to the Clerk of the Apache County
6 Superior Court for filing and distributing a copy to all
7 persons listed on the Court-approved mailing list for this
8 contested case, a copy of which is attached hereto as
Attachment F, and to all persons on the Court-approved
mailing list for CV6417.

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10 Emily Natale

Assessor Map and Owner List



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#	Parcel	Owner
1	20541001E	GB2 LLC
2	20541001F	GB2 LLC
3	20541001K	Crossing Point LLC
4	20541001G	Hopson Properties LLC
5	20541001D	David Williams & Paulette Hoyt, Trustees
6	20541001P	Colby W & Heather A Andrews
7	20541001Q	Colby W & Heather A Andrews
8	20541001R	Troy M & Julie N Garlock
9	20541001S	Troy M & Julie N Garlock
10	20541001L	Michael O Madden
11	20541001N	Michael O Madden
12	20541001H	GB2 LLC
13	20529003V	Charles & Zee Family Trust
14	20529003U	Eric & Jennifer Blanchard
15	20529003T	Eric & Jennifer Blanchard
16	20529003W	Katherine A Bratcher
17	20529003G	Kathy S and Warner Edgar E III
18	20529003L	Melvin & Ana J Monzon
19	20529003N	James L Padilla
20	20529003P	Deland R & Holly J Johnson
21	20529003Q	Dusan Vukotic

ATTACHMENT B

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 SOC contains, 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 SOC, the Arizona Department of Water Resources (“ADWR”) prepares a “Watershed File Report,” (“WFR”) in which ADWR investigates the claims in the SOC 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 Little Colorado 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 C
Watershed File Report

AS OF 12/13/90

LAND OWNER	WATERSHED FILE NO.
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CARLISLE, JR., JASON C. & LANNA B.	033-51-062

PHOTO ID - 10-7

QUAD 1 - PINEDALE

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
39-0086976		DOMESTIC	20.00						30	110N 210E
39-0086977		STOCKPOND	15.00				1928	SESWSE19	110N	210E

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
39-0086976	IRRIGATION DOMESTIC STOCKPOND	NONE NONE STOCKPOND		SP001, SP002
39-0086977	STOCKPOND	NONE		

R E S E R V O I R S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCE	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SP001	NENWNW30	110N	210E		SURFACE	1977	UNNAMED	STOCKWATERING
SP002	SENWNW30	110N	210E		SURFACE	1977	UNNAMED	STOCKWATERING

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	** APPARENT FIRST USE DATE	DATA SOURCE	DRAINAGE AREA/ WATER SOURCE NAME
SP001	39-0086976	NONE	1977	1977 AERIAL PHOTO	SHOW LOW CREEK
SP002	39-0086976	NONE	1977	1977 AERIAL PHOTO	SHOW LOW CREEK
NONE	39-0086977	NONE			

Q U A N T I T I E S O F U S E

PWR #	QUANTIFICATION TYPE	APPLICABLE ACREAGE/SURFACE AREA (ACRES)	WATER DUTY	ESTIMATED VOLUME	REMARKS
SP001	MAX. AREA/CAP	< 2.0		< OR = 15.0 AF	
SP002	MAX. AREA/CAP	< 2.0		< OR = 15.0 AF	

E X P L A N A T I O N

FILINGS AND DECREES

FILING 39-86977 CLAIMS STOCKWATERING USE FROM BURTON TANK. NO STOCKPOND WAS FOUND AT THE CLAIMED LOCATION.

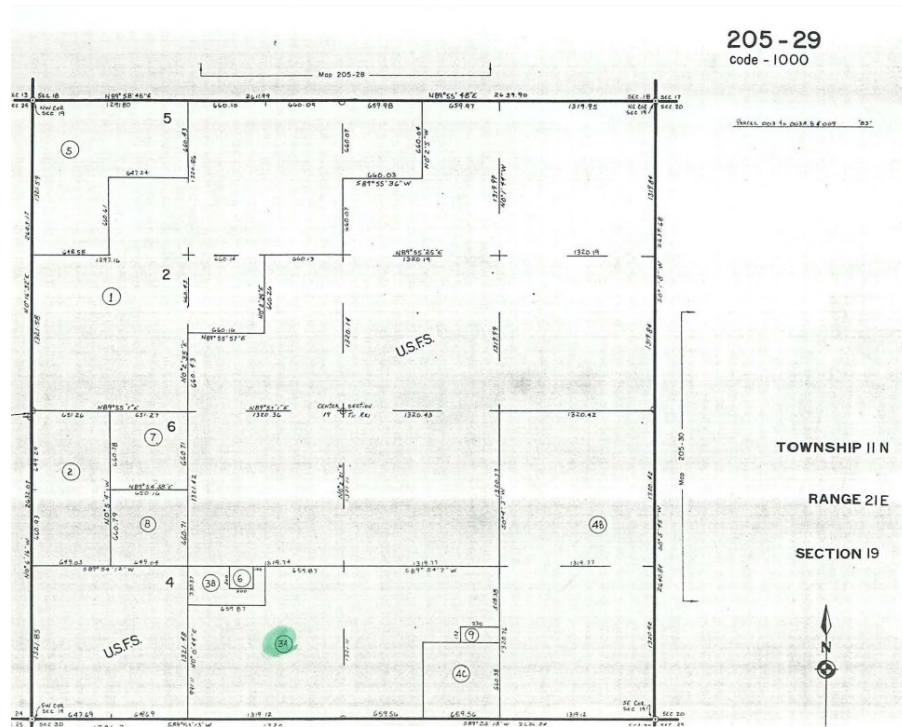
FILING 39-86976 CLAIMS IRRIGATION AND DOMESTIC WATER USES. NO IRRIGATION OR DOMESTIC USES WERE FOUND ON THIS PROPERTY. NO IRRIGATION HAS OCCURED ON THIS PROPERTY SINCE 1960. SOME ACREAGE IS DRY FARMED.

USES AND RESERVOIRS

SP1 & SP2 - STOCKPONDS LOCATED ON AN UNNAMED TRIBUTARY TO THISTLE HOLLOW, WITHIN THE SHOW LOW DRAINAGE AREA.

ATTACHMENT D

ADWR Map



ATTACHMENT E



Court Connect Hearing Notice for In re Jason C. and Lanna B. Carlisle

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 Jason C. and Lanna B. Carlisle

Contested Case No. 6417-33-5738

Start Date/Time: Thursday, September 19, 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](#)

ATTACHMENT F

Initial Court-Approved Mailing List

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

Clerk of the Superior Court
Apache County
P.O. Box 365
St Johns, AZ 85936

Mark J. Widerschein
Maggie Woodward
Alexa Penalosa
US Dept of Justice – ENRD
Natural Resources Section
PO Box 7611
Washington, DC 20044

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

Vanessa Boyd Willard
U. S. Department of Justice
999 18th Street, Suite 370
Denver, CO 80202

Hopi Tribe
General Counsel of the Hopi Tribe
P. O. Box 123
Kykotsmovi, AZ 86039

C. Campbell, P. Londen, P. Bowden
OSBORN MALEDON, P.S.
2929 North Central Avenue, Ste 2100
Phoenix, AZ 85012

San Juan Southern Paiute Tribe
J. Kolsrud, I. Fimbres-Ruiz, K. Shaffer
May, Potenza, Baran & Gillespie, PC
1850 N. Central Avenue, Ste 1600
Phoenix, AZ 85004-4633

Navajo Nation
Evan Hiller, Candace French, Jeffrey
Leonard, Judith Dworkin and Kathryn
Hoover
SACKS TIERNEY P.A.
4250 N. Drinkwater Blvd., 4th Floor
Scottsdale, AZ 85251

Navajo Nation Department of Justice
Ethel Branch & G. Michelle Brown-Yazzie
PO Drawer 2010
Window Rock, AZ 86515

GB2 LLC
1 Rainbow Falls
Irvine, CA 92603

Crossing Point LLC
970 S Main St
Snowflake, AZ 85937-5519

Hopson Properties LLC
403 N Arizona Ave
Prescott, AZ 86301-2605

David Williams & Paulette Hoyt, Trustees
1058 Old Highway 160
Show Low, AZ 85901

Colby W & Heather A Andrews
10861 E Sylvan Ave
Mesa, AZ 85212

Troy M & Julie N Garlock
2537 E Ivanhoe Ct
Gilbert, AZ 85295

1	Michael O Madden	Melvin & Ana J Monzon
2	9901 N 16th Pl.	1901 S 131st St
	Phoenix, AZ 85020	Gilbert, AZ 85233
3	Charles & Zee Family Trust	James L Padilla
4	2901 Justice Ln	1451 W Mcneil Apt D1
	Las Vegas, NV 89107	Show Low, AZ 85901
5	Eric & Jennifer Blanchard	Deland R & Holly J Johnson
6	502 E Dealers Choice Ln	PO Box 172
7	Payson, AZ 85541	Lakeside, AZ 85929
8	Katherine A Bratcher	Dusan Vukotic
9	650 N Penrod Rd Apt 318	PO Box 5021
	Show Low, AZ 85901	Carefree, AZ 85377
10	Kathy S and Warner Edgar E III	Jason C. and Grace W. Carlisle
11	12445 Daniel Way	PO Box 355
	Flagstaff, AZ 86004	Show Low, AZ 85901
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