

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

November 12, 2024

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SHERRI ZENDRI

A. Parmar

Deputy

FILED: November 14, 2024

(1) In re: Jack G. and V. Scott Peterson
Contested Case No. CV6417-33-6735

(2) In Re: Kenneth L. and Joy Abrams
Contested Case No. CV6417-33-6893

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

In re: Scheduling/Status Conference

MINUTE ENTRY

NOTE: There is a “LATER” at the end of this Minute Entry that includes a new date and time for the next scheduled Status Conference.

Courtroom: CCB 301

10:00 a.m. This is the time set for Scheduling Conference/Status Conference to determine whether the landowners intend to pursue their potential water rights before Special Water Master Sherri Zendri.

The following attorneys and parties appear virtually through Court Connect.

- Landowner, Joy Abrams, is present on her own behalf
- Jennifer Wendel of Arizona Adjudications Project with 39(c) students, Ian Kavanaugh and Kyle Dayton on behalf of the Petersons
- Eric Wilkins and Kevin Crestin on behalf of the Arizona State Land Department (“ASLD”)
- Katrina Wilkinson on behalf of Salt River Project (“SRP”)
- William Crum and Maggie Woodward on behalf of the United States Department of Justice, Environment and Natural Resources Division

- Katya Lancero on behalf of the Navajo Nation
- Brandon Delgado on behalf of the Hopi Tribe
- Garrett Perkins observing on behalf of the Little Colorado River Coalition (“LCRC”)
- Karen Nielsen on behalf of Arizona Department of Water Resources (“ADWR”)

Ms. Abrams confirms that she uses water for fishing and wildlife and would like to move forward with her claim.

Counsel Dayton addresses the Court. He confirms that the Petersons would like to pursue their claim for domestic, stock watering, irrigation, and wildlife.

Discussion is held regarding how to proceed. The Petersons are working with ADWR for a new surface water permit and have not updated their Statements of Claimant yet. Ms. Abrams indicates that she has not updated her Statements of Claimant either but does intend to do so. The parties must update their Statements of Claimant and determine their basis of rights for the uses they intend to claim.

Counsel Wilkinson addresses the Court regarding SRP’s objections. She notes that Watershed File Report 33-56-007 only identifies a diversion potential water right and inquires if the Petersons intend to claim a diversion right or whether those uses are addressed in another Watershed File Report related to the Peterson tank.

Counsel Wendel addresses the Court. She indicates that they are still working with the Petersons regarding this issue.

Counsel Woodward addresses the Court regarding the United States’ objections. She believes that the objections will likely be resolved once the Statements of Claimants are revised.

Further discussion is held regarding how to proceed. The Court notes that Ms. Abrams was not present at the last conference and will ensure it includes more information/background regarding this proceeding for her as a “LATER” in today’s Minute Entry.

LET THE RECORD REFLECT that Ms. Abrams provides her phone number: (602) 791-5223 and email: joy@joywiththempowerment.com.

IT IS ORDERED that the parties shall update their Statements of Claimant and apply for the basis of rights **by January 28, 2025**.

IT IS FURTHER ORDERED that ADWR work with the parties to prepare a Joint Status Report. The report shall be filed **by February 11, 2025** and include anticipated competition dates.

LET THE FURTHER RECORD REFLECT that the Court encourages the Petersons and Ms. Abrams to confer regarding resolution of this matter.

IT IS FURTHER ORDERED setting a Status Conference on March 11, 2025, before Special Water Master Sherri Zendri.

The Status Conference shall be held using the Court Connect program. Instructions for Court Connect are attached as Attachment A. 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.

10:23 a.m. Matter concludes.

list. A copy of this order is mailed to all persons listed on the Court-approved mailing

LATER:

Due to scheduling conflicts,

IT IS ORDERED vacating the Status Conference for March 11, 2025, and resetting the Status Conference for **Tuesday, March 18, 2025, at 10:00 a.m.** before Special Water Master Sherri Zendri.

The Status Conference shall be held using the Court Connect program. Instructions for Court Connect are attached as Attachment A. 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.

Additional Background Information for Claimants:

To pursue water rights, a property owner must file a Statement of Claimant and present to the Court evidence of the existence of a water right on their property. This evidence may include the WFR. If the property owner proves to the Court the existence of a water right on their property, the Court will recognize enforceable water rights in a “Final Decree.” ARS § 45-257(B).

Objections for this contested case can be found on the General Stream Adjudication website under “Active Cases” at:

CV6417-033-6735:

<https://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/docs/Objections-6417-033-6735.pdf>

CV6417-033-6893:

<https://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/docs/Objections-6417-033-6893.pdf>

Documents prepared by the Arizona Department of Water Resources (ADWR) as part of the November 1991 Hydrographic Survey Report (“HSR”) and the April 2014 Revised Subflow Delineation for the San Pedro River can be found on the ADWR website at:

<https://www.azwater.gov/adjudications>

Parties wishing to move forward with historical water rights claims on their property must ensure Statement of Claimants are current and that documentation of the reason the claim to the water is legally valid, also known as the “basis of right,” is presented to the Court. Additionally, claimants must be able to document the use of the water had not been suspended for any period of five (5) successive years since the use began.

1) Statement of Claimants (SOCs):

A SOC is a landowner’s or lessee’s (“claimant’s”) written statement to the Court that provides details about their water right claim. This claim to use public water is filed with the Arizona Department of Water Resources (“ADWR”). Although a water right generally remains attached to the land, the SOC must reflect the current claimant’s name and contact information as well as any changes to the original claim. The SOC as filed does not list current property owners or lessees. To update an SOC, parties may make an SOC amendment, obtain a SOC assignment from the original claimant, or file a new SOC for their use. See Ariz. Rev. Stat. §§ 45-254. Forms may be found on ADWR’s website at:

<https://www.azwater.gov/adjudications/statement-claimant-new-use-summons-forms>

2) Basis of Right:

To obtain a water right, a claimant must also provide a “basis of right.” A basis of right is a document filed with ADWR either registering a water right, applying for a permit to appropriate water, or applying for a stockpond claim of right. See Arizona Revised Statutes (“Ariz. Rev. Stat.”) §§ 45-182(A), 45-152(A), 45-273.

If a claimant proves that the water right claimed was initiated prior to June 12, 1919, they do not need to file an “application for a permit to appropriate,” but must present a statement of claim registering their claimed water right and filed prior to, (90 days before the publication of the San Pedro HSR). See Ariz. Rev. Stat. §§ 45-171, 45-182(A). ***Note that a statement of claim is a different document than a statement of claimant.***

ADWR can help the current property owners determine if former Claimants properly registered the potential water rights claimed on the SOC's for this contested case. If a claimant either cannot prove that the water right claimed was initiated prior to June 12, 1919 or cannot present a statement of *claim* filed prior to August 22, 1991, the claimant must file either an “application for a permit to appropriate public water” or an “application for a stockpond claim of right.” Ariz. Rev. Stat. §§ 45-152(A), 45-272(C). If the claimed water right is for a pond constructed before 1977, less than 15 acre-feet, and used solely for watering livestock or wildlife (but not primarily for fishing or culturing of fish), the claimant should file an “application for a stockpond claim of right.” Ariz. Rev. Stat. §§ 45-271, 45-272. If the claimed water right is for any other use, the claimant must file an “application for a permit to appropriate public water.” Blank forms for either application may be found on the ADWR website at: <https://www.azwater.gov/surface-water/surface-water-forms-and-documents>.

Because of the time and cost involved in pursuing an “application for a permit to appropriate public water” or an “application for a stockpond claim of right,” claimants should first gather as much evidence as possible to determine which, if any, of their water rights claims are for water uses initiated prior to June 12, 1919, and described in a timely filed statement of *claim*.

Federal land entry case files (e.g. homestead proofs and affidavits) may be useful for proving historical farming and grazing activity on your land. Resources for finding land entry filings are listed below:

- Federal land patents may be found here: <https://glorerecords.blm.gov/search/default.aspx>
- Pre-1908 homestead proofs may be accessed from a physical FamilySearch location. See <https://locations.familysearch.org/en/search> for more information.
- Any other land entry case files can be ordered using the following form: <https://www.archives.gov/forms/pdf/natf-84.pdf>.

To contact ADWR regarding application forms and processing procedures please call 1-866-246-1414, email smitchell@azwater.gov, or visit <https://www.azwater.gov/adjudications>.

To contact the Office of the Special Water Master please call (602) 372-4115.

Attachment A



Court Connect Hearing Notice for CV6417-33-6735 & CV6417-33-6893

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.

Contested Case Nos. CV6417-33-6735 & CV6417-33-6893

Start Date/Time: Tuesday, March 18, 2025, at 10:00 am.

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](#)