

SUPERIOR COURT OF ARIZONA  
APACHE COUNTY

March 5, 2024

CLERK OF THE COURT

SPECIAL WATER MASTER  
SHERRI ZENDRI

T. DeRaddo  
Deputy

In re: V.S. and Blanche Peterson  
**Contested Case No: CV6417-33-6771**

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

FILED: March 12, 2024

In re: Status Conference  
HSR: Silver Creek Hydrographic Survey

**MINUTE ENTRY**

Courtroom CCB - 301

10:00 a.m. This is the time set for a virtual/telephonic Status Conference regarding the initiation of this matter, before Special Water Master, Sherri Zendri.

The following attorneys and self-represented litigants appear virtually / telephonically via Court Connect/Teams.

- Jon and Laurie Cato, Landowners
- Stephen and Stephanie Peterson, Landowners
- David R. Peterson, Landowner
- Jack G. and M. Karen Peterson 2018 Trust, Landowners
- Jack G. Peterson and Jackie Peterson, Landowners
- Kevin Crestin on behalf of the Arizona State Land Department
- Karen Nielsen on behalf of ADWR
- Maggie Woodward on behalf of the United States Department of Justice – ENRD Natural Resources Section
- Katrina Wilkinson observing on behalf of Salt River Project
- Kent Millward on behalf of the Tonto Apache Tribe

- Katya Lancero on behalf of the Navajo Nation
- Phillip Londen on behalf of The Hopi Tribe
- Garrett Perkins on behalf of the LCR Coalition
- Kathryn Ust, Bennie Higgins and Alexa Penalosa are also present

The Court is informed that Blanche Peterson is now deceased, and Victor Peterson is in Winslow.

Katrina Wilkinson states that SRP did not file objections in this matter.

Discussion is held regarding the property owners that will move forward with their cases to claim water rights. All landowners state that they want to move forward with their water rights claims.

The Court informs the parties that there are issues with the Bases of Right that must be resolved before moving forward in this matter. The parties may be required to file additional paperwork to pursue their claims.

David Peterson states that he has two stockponds on his property, and asks which pond is in question. He states that he has saved paperwork on his property for years. He is informed by the Court to continue to save the papers.

The parties are informed that the objections are posted on ADWR's website.

Ms. Cato's parcel is identified in a map that is attached to the report in Table 3, Page 12.

The Court informs the parties that claims were filed in the 1980's. Many properties have been subdivided, changed ownership, or may have a change in usage. Certain property owners are aware that their water is provided by a municipal provider, whose rights will be adjudicated in a separate contested case. Certain parties will then be excused, and others will move forward with the claims in this matter. The Court states that some potential water rights may or may not be attached to a party's property, especially if one is not using the water. ADWR will need to determine where the water is being used that has been claimed, and where it is not being used, and who may have certain claims to it.

Objectors: Victor and Blanche Peterson filed objections to the use of the water and the quantity of water used.

Currently there are issues with the bases of right in that it must be determined what gives a party the right to the water. This may be currently absent from the Statements of Claimant. The Court will provide instructions to the parties on how to remediate the bases of right issues.

The Court requests that ADWR assemble a draft abstract regarding priority dates, usage, movement of water, and objections thereto. The parties will review it and determine what objections may still be outstanding.

Mr. Jack Peterson asks about the rights on his property. The Court will determine if the claim transfers to other sub divided portions of land. Mr. Peterson states that his ancestor was born in 1874, and owned this land, which has been continuously in use since before Arizona was a state.

The parties are instructed to view the ADWR website to view documents in the various cases.

10:30 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).

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

**LATER:**

**IT IS ORDERED** setting a status conference for **Wednesday, April 24, 2024, at 10:00 a.m.** The Status Conference will 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.

Documents prepared by the Arizona Department of Water Resources (ADWR) as part of the Hydrographic Survey Report (“HSR”) for Silver Creek can be found on the ADWR website at:

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

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

<https://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/docs/CV6417-33-6771-Combined-Objections-for-Web.pdf>

Parties wishing to move forward with historical water rights claims on their property must ensure Statements of Claimant 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.

### 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’s do not list current property owners or lessees. To update an SOC, one may obtain a SOC assignment, make an SOC amendment, or file a new SOC. 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 provide a “basis of right.” A basis of right is a court decree or 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 either a court decree or a timely-filed Statement of Claim registering their claimed water right, i.e. one filed before September 1, 1990. 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 landowners registered pre-1919 water rights claims.

If a claimant either cannot prove that the water right claimed was initiated prior to June 12, 1919, or cannot present a timely-filed Statement of *Claim*, the claimant must present 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 must present 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 present 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 that were initiated prior to June 12, 1919 and subsequently 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://gloreCORDS.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>.

While it is not necessary, Claimants are free to seek their own legal counsel at any time should they decide to do so. In addition, The Arizona Adjudications Project is taking applications to provide free, limited legal representation in the adjudication. The team can help claimants who are not already represented by an attorney. You can apply for assistance here:

<https://law.arizona.edu/academics/clinical-programs/natural-resource-use-management-clinic/arizona-adjudications-clinic>.

To contact the University of Arizona Adjudications Project call (520) 621 6722 or via email at: [law-azadjudicationsproject@arizona.edu](mailto:law-azadjudicationsproject@arizona.edu).

To contact ADWR regarding application forms and processing procedures please call 1-866-246-1414, email [smitchell@azwater.gov](mailto: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 In V.S. and Blanche Peterson**

*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 V.S. and Blanche Peterson, Contested Case No. CV6417-33-6771

**Start Date/Time:** April 24, 2024, at 10:00 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](#)*