

SUPERIOR COURT OF ARIZONA  
IN AND FOR APACHE COUNTY

September 18, 2024

CLERK OF THE COURT  
T. DeRaddo  
Deputy

SPECIAL WATER MASTER  
SHERRI ZENDRI

In Re: *Jeanne J. Hatch Family Trust*  
**Contested Case No: CV6417-33-6773**

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

FILED: 9/23/2024

In re: Initial Status Conference  
HSR: Silver Creek Hydrographic Survey (1991)

**MINUTE ENTRY**

Courtroom CCB - 301

10:31 a.m. This is the time set for a virtual/telephonic Initial Status Conference regarding the initiation of this matter to determine rights to use water on land that the Navajo County Assessor has identified as owned by (1) Gregg W. Drohan; (2) TMC Lakeside Property, LLC; (3) Roger E & Connie Hansen; (4) William M. & Anna E. Ash; (5) Jennifer P & Francis C. Bouchal; (6) Angela Margardino Trustee; (7) Jacob W. Knowles; (8) John & Marilyn Grena and (9) Daniel R & Shannon M. Curatola. This conference is to determine if each of the current landowners is interested in pursuing water rights claims.

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

- Greg Johan, landowner
- Chris Kissel and Meg Schneider on behalf of TMC Lakeside Property
- Logan Hansen on behalf of Roger E and Connie Hanson, landowners
- William N. and Anna E. Ash, landowners
- Jacob W. Knowles, landowner
- John and Marilyn Grena, landowners

- William J. Crum for the United States Department of Justice
- Brandon Delgado on behalf of the Hopi Tribe
- Candace French on behalf of the Navajo Nation
- Karen Nielsen on behalf of ADWR
- Katrina Wilkinson observing on behalf of SRP
- Garret Perkins observing on behalf of The LCR Coalition
- Also observing are Skip Allen, Maggie Woodward and Kathryn Ust

Ms. Wilkinson states that she would like to clarify the record to say that SRP did not file any objections in this matter. The Court acknowledges the error and agrees that SRP has not filed any objections regarding the WFR in consideration for this contested case.

The Court asks; Are any of the property owners using surface water or well water? How are they getting their water?

Greg W. Johan; John and Marilyn Grenna; TMC Lakeside Property; and William and Anna Ash all use Arizona Water.

Roger and Connie Hansen; and TMC Lakeside Property are interested in pursuing water rights.

Greg Johan is not interested in pursuing water rights.

William and Anna Ash, Jacob Knowles and John and Marilyn Grena all state that they don't have enough information about the process and/or are unsure how to proceed.

The Court explains the history of this case and the process of obtaining/asserting water rights. Surface water belongs to the State of Arizona. The parties need an appropriate right to use the water.

The original claim of the water right(s) to this property need to be assigned to the individuals' names. The Arizona Department of Water Resources, which is the technical branch of the Arizona Adjudication, can assist the parties with this task.

Discussion is held between the Court and the landowners.

Neither Jacob Knowles nor the Grenas are interested in pursuing water rights.

**IT IS ORDERED** setting a Status Conference for **December 18, 2024 at 10:30 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 following telephone number and access code:

Dial in: 1-917-781-4590

Access Code: 688 970 203#

**IT IS FURTHER ORDERED** that the Hansons, the Ashes, and the TMC Lakeside Property shall contact the Arizona Department of Water Resources to begin the process of asserting water rights. (Statements of Claimants, basis of right information, etc.) Parties should be prepared to update the Court on their progress, including a timeline for completion, at the December 18, 2024, status conference.

10:55 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:**

**IT IS ORDERED** removing the following from the court approved mailing list (CAML) for this contested case and any potential water rights forfeit:

Greg Johan,  
Jacob W. Knowles  
John and Marilyn Grena

All will receive courtesy copies of this minute entry.

Jennifer P & Francis C Bouchal, Angela Margardino Trustee, and Daniel R & Shannon M Curatolo will remail on the CAML until the next status conference. Any

party that fails to attend the next status conference will be removed from the CAML and any potential water rights forfeit.

## **FOR PARTIES WISHING TO PURSUE POTENTIAL WATER RIGHTS**

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:

<http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/docs/W1-11-1508-Combined-Objs-for-web.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 Silver Creek 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>.

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 re Jeanne J. Hatch Family Trust**

*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 Jeanne J. Hatch Family Trust.

**Contested Case No.** CV6417-33-6773

**Start Date/Time:** December 18, 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>