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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

CV6417

Case: **CV6417-33-6784**

**ORDER TO UPDATE THE COURT
APPROVED MAILING LIST**

and

SCHEDULE STATUS CONFERENCE

16
17 CONTESTED CASE NAMES: *In re Transamerica Title Insurance Co.*

18 HSR INVOLVED: Silver Creek Hydrographic Survey.

19 DESCRIPTIVE SUMMARY: This order updates the Court approve mailing list and schedules
20 a status conference for **Thursday, March 6, 2025, at 11:30 a.m.**

21 NUMBER OF PAGES: 12

22 On September 23, 2024, a Order to Notify Court of Intent (“Order”) was issued
23 in this case. As part of that Order any party with property interests in the area
24 investigated under this contested case was ordered to notify the Special Master of their
25 interest. Property owners who did not respond by the deadline of December 20, 2024,
26 would be removed from this contested case, the court approved mailing list (“CAML”)
27 and any potential water right in this contested case would be forfeit. Accordingly,

28 **IT IS ORDERED** removing the following parties from this contested case and

1 the associated CAML for failure to respond and lack of interest

2 :

- | | | |
|----|--------------------------------------|---------------------------------------|
| 3 | • Hayden Boyett LLC | • Hektor Family Trust |
| 4 | • Carl Miller | • D&Sb Living Trust |
| 5 | • Paula J Delatorre | • Vrej Kheshvadjian |
| 6 | • Carl Miller | • Judith A Nordburg |
| 7 | • James R & Diana R Gosliga | • John R & Julia A Barton |
| 8 | • Michael Campos | • Robert J Rivera Trustee |
| 9 | • Flading Family Trust | • Rhonda Holleran |
| 10 | • Snow Creek Property Owners Assoc | • Stephanus P & Jonanda Duvenhage |
| 11 | • Martin T Chalupa | • Steven L Striedel |
| 12 | • Merino Trust | • Timothy L & Mary E Thomas |
| 13 | • Gloria R Alvarado | Trustees |
| 14 | • Mark Stachon | • JF Properties LLC |
| 15 | • Marcelene & John Camou | • Merilee E Phillips |
| 16 | • Kirt R & Susan E Hamm Trustees | • Bruce A & Julie A Philipps Trustees |
| 17 | • Robert W & Kristy L Blum | • Mark C & Kim L Macaluso |
| 18 | Revocable Trust | • Wanda J Colburn |
| 19 | • Bill Brown | • Richard J & Joane C Akers Trustees |
| 20 | • Gary & Donna Kunemund Living | • Merilee E Phillips |
| 21 | Trust | • Jerry L & Paula M Steger Trustees |
| 22 | • Felice B Weiner | • Jeffrey A Myer |
| 23 | • Mitchell W & Jean Araman | • Robert L Ford |
| 24 | • Englander 2011 Revocable Trust | • Ronald Mcgee Trustee |
| 25 | • Matthew Lillegraven | • Calvin J & Johanna P Hammel |
| 26 | • Mark E & Vickie R Brennan Trustees | • William L Dannenberg |
| 27 | • Randell R Kraft | • Randall E & Kathleen B Hotchkiss |
| 28 | • Donald P Byers Trustee | Trustees |
| | • Dan G & Stacey E Bevier | • Joseph P & Ellen A Castaldo |
| | • Michael S Giglio | • Sandra L Hatcher |
| | • Riley Trust | • Cary Johnson |
| | • Joshua & Melissa Rutherford | • Roger E & Linda Haythornwhite |
| | • Carlos & Sonja Batlle Trustees | Trustee |

24 These parties will receive a final courtesy copy of this order.

26 The following parties did respond with letters of interest:

- | | | |
|----|--------------------------------|--------------------------------|
| 27 | • Timothy J & Deborah J Bonnet | • Faudskar Family Living Trust |
|----|--------------------------------|--------------------------------|

28 Neither of these letters were properly filed with the Clerk of Court or distributed to

1 the CAML therefore copies of each are attached to this order in Attachment A.

2 **IT IS ORDERED** scheduling a status conference for **Thursday, March 6, 2025,**
3 **at 11:30 a.m.** Claimants **MUST** attend this status conference if they wish to pursue any
4 potential water rights they may have. The status conference will be held using the Court
5 Connect program. Instructions for Court Connect are attached as Attachment B. If you
6 receive this Order by email, click on the red box “Join Court Connect Hearing” on the
7 attached instructions to make an appearance. If you do not receive this Order by email,
8 log into the Court Connect program on the internet by typing
9 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you
10 may attend telephonically using the telephone number and access code included in the
11 instructions for Court Connect.

12
13 The following information is provided so claimants can be prepared to discuss
14 their claims. While it is not necessary, Claimants are free to seek their own legal
15 counsel at any time should they decide to do so.

16 To pursue water rights, a property owner must both file a Statement of Claimant,
17 and present to the Court evidence of a legal right to the water they claimed on the
18 Statement of Claimant. If the property owner proves to the Court the existence of a
19 legal water right on their property, the Court will recognize enforceable water rights in a
20 “Final Decree.” ARS § 45-257(B). Parties wishing to move forward with historical
21 water rights claims on their property must ensure Statement of Claimants are current
22 and that documentation of the reason the claim to the water is legally valid, also known
23 as the “basis of right,” is presented to the Court. Additionally, claimants must be able
24 to document the use of the water had not been suspended for any period of five (5)
25 successive years since the use began.

1 **1) Statement of Claimants (SOCs)**

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

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

12 **2) Basis of Right**

13 To obtain a water right, a claimant must also provide a "basis of right." A basis
14 of right is a document filed with ADWR either registering a water right, applying for a
15 permit to appropriate water, or applying for a stockpond claim of right. See Arizona
16 Revised Statutes ("Ariz. Rev. Stat.") §§ 45-182(A), 45-152(A), 45-273. If a claimant
17 proves that the water right claimed was initiated prior to June 12, 1919, they do not
18 need to file an "application for a permit to appropriate," but must present a statement of
19 claim registering their claimed water right and filed prior to, (90 days before the
20 publication of the San Pedro HSR). See Ariz. Rev. Stat. §§ 45-171, 45-182(A). ***Note***
21 ***that a statement of claim is a different document than a statement of claimant.***

22 ADWR can help the current property owners determine if former Claimants
23 properly registered the potential water rights claimed on the SOC's for this contested
24 case. If a claimant either cannot prove that the water right claimed was initiated prior
25 to June 12, 1919, or cannot present a statement of *claim* filed prior to August 22, 1991,
26 the claimant must file either an "application for a permit to appropriate public water" or
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28

1 an “application for a stockpond claim of right.” Ariz. Rev. Stat. §§ 45-152(A), 45-
2 272(C).

3 If the claimed water right is for a pond constructed before 1977, less than 15
4 acre-feet, and used solely for watering livestock or wildlife (but not primarily for
5 fishing or culturing of fish), the claimant should file an “application for a stockpond
6 claim of right.” Ariz. Rev. Stat. §§ 45-271, 45-272. If the claimed water right is for any
7 other use, the claimant must file an “application for a permit to appropriate public
8 water.” Blank forms for either application may be found on the ADWR website at:

9 <https://www.azwater.gov/surface-water/surface-water-forms-and-documents>.

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

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

- 18 • Federal land patents may be found here:

19 <https://glorerecords.blm.gov/search/default.aspx>

- 20 • Pre-1908 homestead proofs may be accessed from a physical FamilySearch
21 location. See <https://locations.familysearch.org/en/search> for more
22 information.

- 23 • Any other land entry case files can be ordered using the following form:

24 <https://www.archives.gov/forms/pdf/natf-84.pdf>.

25 **3) Contact Information**

26 To contact ADWR:

- 27 • Statements of claimant application and processing - 1-866-246-1414

- Email: smitchell@azwater.gov
- website: <https://www.azwater.gov/adjudications>
- Surface Water Permitting (Basis of Rights) – (602) 771-8621
 - Email: surfacewater@azwater.gov
 - website: <https://www.azwater.gov/surface-water/surface-water-overview>

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

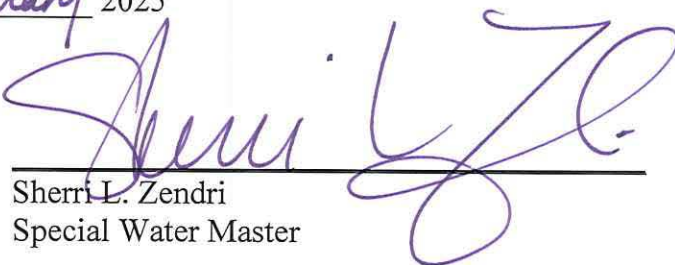
4) Objections

Objections in this contested case concern the absence of a basis of right supporting the relevant water right claim. Additionally, the SOC in question is not assigned to any of the current property owners claiming a potential right.

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/CV6417-33-6784-Objections.pdf>

Signed this 29th day of January 2025



Sherri L. Zendri
Special Water Master

On January 29, 2025, the original of the foregoing was delivered to the Clerk of the Apache County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for this contested case.



Emily Natale

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ATTACHMENT A

November 29, 2024

RECEIVED
DEC 02 2024

Water Master of the
Superior Court
SHERRI ZENDRI

General Stream Adjudication
ATTN: Water Master Zendri
201 W Jefferson Street
CCB Suite 3A
Phoenix, AZ 85003

Re: Case CV6417-33-6784
Silver Creek Hydrographic Survey

To: The Superior Court Of The State of Arizona, Dear Sirs,

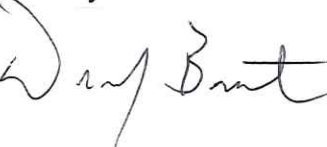
My husband Timothy J Bonnet and myself Deborah J Bonnet currently own and are living on a parcel of land mentioned in Contested Case No: CV6417-33-6784.

We do not wish to give up whatever potential water rights we have, if any, on our property.

Community of Snow Creek
Lot 37 1931 S. Little Creek Court,
Show Low, Arizona 85901

Sincerely,


Timothy J Bonnet



Deborah J Bonnet

FROM THE DESK OF
Larry Faudskar

RECEIVED

OCT 23 2024

Water Master of the
Superior Court
SHERRI ZENDRI

October 21, 2024

6417-33-6784

In RE:
The general adjudication
Of all rights to use water
In the Little Colorado
River system and source

Dear Special Water Master Sherri Zener,

The Faudskar Family Trust does not wish to give up its water rights in the sub division of Snow Creek, Show Low Arizona lot 36. I have included a copy of the last court filing where you can find our trust circled on page 2. I can be reached at the phone number at the bottom of this letter if you have any questions.

Sincerely yours,



Larry Faudskar

COPY

FILED

DOCKETED BY

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2024 SEP 23 PM 1:00

ANNELL HOUNSHELL, CLERK
APACHE CO SUPERIOR COURT

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF APACHE

IN RE THE GENERAL
ADJUDICATION OF ALL RIGHTS
TO USE WATER IN THE LITTLE
COLORADO RIVER SYSTEM AND
SOURCE

CV6417

Case: CV6417-33-6784

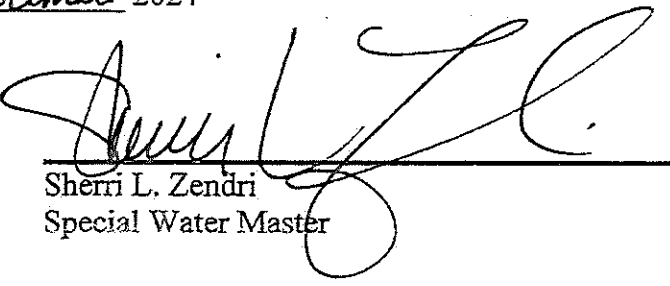
ORDER TO NOTIFY COURT OF
INTENT

CONTESTED CASE NAMES: *In re Transamerica Title Insurance Co.*
HSR INVOLVED: Silver Creek Hydrographic Survey.
DESCRIPTIVE SUMMARY: Parties who are interested in pursuing potential water rights are ordered to notify the Court in writing by 5:00pm, Friday, December 20, 2024.
NUMBER OF PAGES: 3

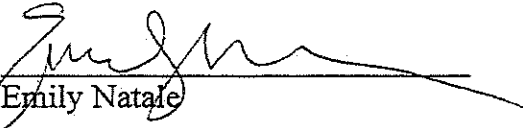
On July 18, 2024, this contested case was initiated and an initiation conference set for Wednesday, September 18, 2024. The following property owners with potential water rights failed to attend this court conference:

1 If the Court receives no notice by this date, property owners will be removed from
2 the court approved mailing list and any potential water rights forfeit.

3
4 Signed this 23rd day of September 2024

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8 Sherri L. Zendri
9 Special Water Master

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11 On September 23, 2024, the original of the
12 foregoing was delivered to the Clerk of the Apache County
13 Superior Court for filing and distributing a copy to all
14 persons listed on the Court-approved mailing list for this
15 contested case.

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17 Emily Natale
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ATTACHMENT B



Court Connect Hearing Notice for In re Transamerica Title Insurance Co.

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 Transamerica Title Insurance Co.

Contested Case No. CV6417-33-6784

Start Date/Time: Thursday, March 6, 2025, at 11:30 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](#)