

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

April 24, 2025

CLERK OF THE COURT

SPECIAL WATER MASTER
SHERRI ZENDRI

A. Parmar
Deputy

FILED: May 2, 2025

In re: the General Adjudication
Of All Rights to Use Water in the
Little Colorado River System and Source
Contested Case Nos.

CV6417-33-6893
In Re: Kenneth L. and Joy Abrams

CV6417-33-6735
In Re: Jack G. and V. Scott Peterson

MINUTE ENTRY

Central Court Building – Courtroom 301

10:00 a.m. This is the time set for Status Conference to receive an update from the Petersons' counsel and Joy Abrams before Special Water Master Sherri Zendri.

The following attorneys and parties appear virtually through Court Connect:

- Landowners, Joy Abrams and David Abrams, are present on their own behalf
- Jennifer Wendel of the Arizona Adjudications Project is present on behalf of the Petersons with 39(c) certified student, Ian Kavanaugh
- Eric M. Wilkins on behalf of the Arizona State Land Department (“ASLD”)
- Mark McGinnis on behalf of Salt River Project (“SRP”)
- Mark Widerschein on behalf of the United States Department of Justice, Environment and Natural Resources Division
- Katya Lancero Norris on behalf of the Navajo Nation
- Garrett Perkins observing on behalf of the Little Colorado River Coalition (“LCRC”)

A record of the proceedings is made digitally in lieu of a court reporter.

LET THE RECORD REFLECT that this hearing is held for both contested cases CV6417-33-6893 and CV6417-33-6735 concurrently.

The Court inquires if Mr. Abrams shared his March letter with everyone on the mailing list. He states he sent it to Apache County, Maricopa County and Counsel Wendel. He was not added to the list at the time and was not able to include everyone. The Court clarifies for the other parties that the letter asked for an extension. A copy will be provided as an attachment to today's Minute Entry.

Counsel Kavanaugh provides an update to the Court regarding the Petersons' progress. The Petersons have produced final drafts of the new applications. They are new applications for permits not pre-1919 applications. The Petersons are working with the neighbors (including the Abrams) on the legal access issues and drafting easements. They will have a preapplication meeting with ADWR before filing their final SOC's and applications.

Mr. Abrams inquires if his filing, 36-67708 is sufficient for his mother's fishing and wildlife claims. The Court will take a look and include its comments as a "LATER" in today's Minute Entry.

Counsel Wendel believes the last SOC's from the Abrams did not include a basis of right. The Court will provide additional information for Mr. Abrams so he can update the filings to include the basis of right claim.

Discussion is held regarding how to proceed. Mr. Abrams inquires if there is a way to meet with ADWR prior to filing his application or have one point of contact. He notes that he has been receiving conflicting information across the different departments. The Court will provide the main contact numbers as a "LATER" in today's Minute Entry.

IT IS ORDERED that the Petersons and the Abramses file a Joint Status Report by **June 30, 2025** providing an update to the Court. The Court will issue an order regarding the next steps once the status report is received.

IT IS FURTHER ORDERED setting a Status Conference to receive an update from the claimants and discuss how to proceed on **Tuesday July 1, 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 to this document. If you receive this document 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.

10:24 a.m. Matter concludes.

A copy of this minute entry is provided to all parties on the Court approved mailing list.

LATER:

To pursue water rights, a property owner must **both** file a Statement of Claimant (“SOC”), and present to the Court evidence of a legal right to the water they claimed on the SOC, also called a “basis of right.” The SOC and basis of right documents currently available to the Court for these contested cases are the documents found on the ADWR website:

39-86831 – SOC for irrigation filed by Petersons 6/27/1985
39-86832 – SOC for stockpond use filed by Petersons 6/27/1985
39-91699 – SOC for “other uses” filed by Abrams 8/1/1991; address amended 2/7/2005
36-67708 – Water Rights Registration Act Claim filed by Abrams 6/21/1978

The current basis of right presented by claimants is a Water Rights Registration Act (WRRRA) Claim (a “36” filing). The Water Rights Registration Act (WRRRA) requires individuals alleging a beneficial use of water prior to June 12, 1919, to file a WRRRA claim.. A WRRRA claim may be used as a basis of right; however, the information in this type of water right filing must still be proved by the claimant. The claimed date of first beneficial use for 36-67708 is 1970, well after June 12, 1919. Therefore, it is not an appropriate basis of right as filed. An October 24, 1978, letter from ADWR requesting additional information regarding the dates of first beneficial use and the legal basis of claim does not appear to have been answered by the Abrams.

The following options are available to establish an appropriate basis of right:

- A. Amend WRRRA claim 36-67708 to claim a water right initiated prior to 1919 and present documentation to the Court proving that claim.
- B. Submit to ADWR a “Claim of Water Right for a Stockpond and Application for Certification” if the the pond meets **ALL** the following requirements:
 - 1. Less than or equal to fifteen acre-feet in volume.
 - 2. Constructed before 1977.
 - 3. Used solely for watering livestock or wildlife.
 - 4. Not used primarily for fishing or culturing of fish.
- C. If neither option A or B are applicable, the claimant must file an application for permit to appropriate water. Please note that the priority date for a permit filing is the date the application is received by ADWR.

The most recent SOC available to the Court from the Abrams is dated 1991, with a change of address amendment in 2005. Once an appropriate basis of right is determined, the SOC must be updated to reflect this change. Additionally, the SOC should consider any objections to the contested case. Copies of objections may be found online at:

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

ADWR Contact Information

Statements of claimant application and processing

- Phone: 1-866-246-1414
- Email: smitchell@azwater.gov
- website: <https://www.azwater.gov/adjudications>

Groundwater Well Registration

- Phone: (602) 771-8527
- Email: wells@azwater.gov
- website: <https://www.azwater.gov/permitting-wells>

Surface Water Permitting (Basis of Rights)

- Phone: (602) 771-8621
- Email: surfacewater@azwater.gov
- website: <https://www.azwater.gov/surface-water/surface-water-overview>



Court Connect Hearing Notice for In re Kenneth L. & Joy Abrams and In re Jack G. & V. Scott 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 Kenneth L. & Joy Abrams and In re Jack G. & V. Scott Peterson

Contested Case No. CV6417-33-6735 & CV6417-33-6893

Start Date/Time: Tuesday July 1, 2025 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>

ATTACHMENT A

3-26-2025

RECEIVED

MAR 26 2025

Water Master of the
Superior Court
SHERRI ZENDRI

4335 N. 24th Way

Phoenix Arizona 85016

602 575 4030

David@lifeworksaz.com

Honorable Special Water Master: Sheri Zendri

Maricopa County Superior Court

201 West Jefferson Suite 3A

Phoenix ,Arizona 85003-2205

602-372-4115

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

Case No.: [CV6417-33-6893, CV 6417-33-6735]

MOTION FOR EXTENSION OF TIME TO REVIEW, UPDATE, AND AMEND
STATEMENTS OF CLAIMANT (SOCs), FILE PERMITS FOR CERTIFICATION OF
WATER RIGHTS AND OBTAIN LEGAL COUNSEL.

Honorable Special Master Sherri Zendri,

Joy Abrams, through her undersigned representative, respectfully submits this Motion for Extension of Time to allow for the proper review, update, and amendment of her Statements of Claimant (SOCs), permits for water and certification.

Due to her ongoing illness and the lack of evaluative water rights counsel in water rights matters, she has been unable to complete, review, or sign the necessary filings and defend her water rights effectively.

We have encountered significant difficulties in retaining counsel due to conflicts of interest among water rights experts/counsel. Despite contacting over a dozen water rights attorneys I have not received the guidance needed to navigate the complexities of water law and accompanying documentation: Socs,, filings, permits, basis of legal rights etc.

Request for Extension

Given these circumstances, we respectfully request that the Court grant an extension of 90 days to allow:

Proper updates and amendments to her Statements of Claimant SOC's, updates , permits , certification or changes to show her legal basis of claim for water rights.

Additional time to review and respond to documents filed by opposing parties, including the correspondences from Jennifer Wendell, attorney for Peterson.

Retention of counsel to advise my mom on the water rights adjudication to protect her water rights.

Conclusion

This extension is requested in the interest of due process and fairness, ensuring that her rights are fully and accurately represented before the Court.

We respectfully ask the Court to grant this Motion for Extension of Time and provide guidance on any additional requirements necessary for securing this request.

Respectfully submitted,



David Abrams

Son of Joy Abrams

My Contact info : David Abrams 4335 N 24th Way Phoenix Arizona 85016

CC: Jennifer Wendell University Arizona Attorney at Law