1 2 3 4 5 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA 6 7 IN AND FOR THE COUNTY OF APACHE 8 IN RE THE GENERAL CV6417 9 ADJUDICATION OF ALL RIGHTS TO USE WATER IN THE LITTLE 10 COLORADO RIVER SYSTEM AND 11 Case: CV6417-33-6894 **SOURCE** 12 13 ORDER INITIATING CONTESTED **CASE AND SETTING STATUS** 14 **CONFERENCE** 15 16 CONTESTED CASE NAME: In re Victor S. and Blanch C. Peterson 17 HSR INVOLVED: Silver Creek Hydrographic Survey. 18 19 DESCRIPTIVE SUMMARY: The Clerk of Apache County Superior Court is directed to initiate CV6417-33-6894. Initial conference set for March 6, 2024 at 10:00 a.m. 20 21 NUMBER OF PAGES: 17 22 **General Explanation** 23 This order opens a case to determine rights to use water on parcels located in Navajo 24 County at Section 24, Township 9 North Range 22 East. The first step in this case is an 25

This order opens a case to determine rights to use water on parcels located in Navajo County at Section 24, Township 9 North Range 22 East. The first step in this case is an initial conference with the Court, scheduled for **March 6, 2024, at 10:00 a.m.** to determine if owners of the parcels listed in Attachment D are interested in pursuing potential water rights. Interested Parties **MUST** attend the scheduled initial conference if they plan to

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pursue potential water rights. Failure to appear at the initial conference could result in the loss of water rights.

In this case, Jack G. Peterson filed Statements of Claimant ("SOCs") 39-86830 and 39-86831 on June 27, 1985, to assert claims to use water on land that appears to include parcels listed in Attachment D.

The first step in this case will be an initial conference where owners of the parcels listed in Attachment D will state whether they intend to pursue rights to water.

Additional background information on the process for determining water rights in Arizona can be found on Attachment A.

Details of the Case

On June 27, 1985, Jack G. Peterson filed Statements of Claimant ("SOC") 39-86830 and 39-86831 with the following claims:

SOC#	Quantity	Water Source	Water Use	Use Location
39-86830	13.0 acre-feet annually	Groundwater	Domestic	SESENW Section 24 T9N, R22E
39-86831	1400 acre-feet annually	Log Cabin, Tree, and Peterson springs	Irrigation	W1/2 Section 24, T9N, R22E
39-86831	1400 acre-feet	Log Cabin, Tree, and Peterson springs	Recreation	NENW Section 24 T9N, R22E
39-86831	1400 acre-feet	Log Cabin, Tree, and Peterson springs	Reservoir	NENE Section 24, T9N R22E
39-86831	N/A	N/A	Reservoir	N/A

The Arizona Department of Water Resources ("ADWR") investigated the claims made by Jack G. Peterson ("Claimant") and prepared Watershed File Report No. 33-56-ACAD-003 ("WFR"), published in the Final Silver Creek Watershed Hydrographic Survey

Report (1991) ("Silver Creek HSR"). The WFR recorded that water was being used for irrigation and domestic purposes within the northwest quarter of the southwest quarter of Section 24 Township 9N, Range 22E. A copy of the WFR is attached as Attachment B. A map that includes the areas of land that were investigated for the WFR, both labeled as "(3)", is attached as Attachment C.

After ADWR issued the WFR, objections were filed to the findings made in the WFR by the Salt River Project, the United States, Arizona State Land Department, Blanche C. and Victor S. Peterson, the Navajo Nation, the Hopi Tribe, and the San Juan Southern Paiute Tribe. The purpose of this case is to consider the claims made for water rights in SOCs 39-86830 and 39-86831 and to resolve the objections to the WFR.

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Claimant and Landowners

The WFR lists Blanch and Victor S. Peterson as the owners of the property described as located in the northwest quarter of the southwest quarter of Section 24, Township 9N, Range 22E in 1991 when the WFR was completed. According to maps obtained from the Navajo County Assessor ("Assessor"), the land investigated appears to comprise tax parcels listed in Attachment D. A copy of the map on file with the Assessor showing the relevant tax parcels and current ownership is attached as Attachment D.

The public records of the Arizona Department of Water Resources do not contain any assignments of the SOCs listed in the WFR, and the current landowners do not appear to have filed any additional SOCs.

Property owners must present to the Court evidence that water rights are attached to their property and have been legally claimed or transferred to them. This evidence may include the WFR. Alternatively, the property owners may settle with objectors. If either the property owners prove to the Court the existence of water rights on their properties or enter into a valid settlement approved by the Court, the Court will recognize enforceable water rights in a "Final Decree." Ariz. Rev. Stat. § 45-257(B).

This is an order from the Court and all parties must comply with the following instructions. The failure to obey this, or any, Court order may result in the dismissal of this case and the loss of any potential water rights associated with the property mentioned in this order. If you have questions regarding this Order or any of the attachments, please contact the General Stream Adjudication, Office of the Special Water Master, at (602) 372-4115. Please note that staff can only answer administrative questions and cannot provide legal advice.

IT IS ORDERED:

1. <u>Case Initiation.</u> This contested case shall be known as *In re Victor S. and Blanch C. Peterson*, and it will partially determine claims to appropriable water asserted in Statements of Claimant 39-86830 and 39-86831 and objections that were filed to Watershed File Report No. 33-56-ACAD-003. Copies of objections can be found under the case name and number on the following website:

http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp.

2. <u>Initial Conference.</u> An initial conference shall be held on **March 6, 2024, at 10:00 a.m.** to determine whether current landowners intend to pursue claims for water rights. The conference will be held using the Court Connect program. Instructions for Court Connect are attached as Attachment F. 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.

- 3. <u>Parties</u>. The litigants in this contested case are the Claimant, the current landowners, and all parties who filed objections to the Watershed File Report. The objectors in this case are the Salt River Project, the United States, Arizona State Land Department, Victor S. and Blanche C. Peterson, the Navajo Nation, the Hopi Tribe, and the San Juan Southern Paiute Tribe.
- 4. <u>Objections</u>. Copies of objections filed to WFR No. 33-56-ACAD-003 can be found under the case number CV 6417-033-6894 on the following website: http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp.

5. Court-Approved Mailing List.

- A. The initial Court-approved mailing list for this case shall include all persons listed on Attachment E to this order. The list may be modified only by filing a motion with the Special Master to amend the Court-approved mailing list. Litigants are responsible for using the current Court-approved mailing list. Note that Victor S. and Blanche C. Peterson were not added to the Court-approved mailing list because no address for these individuals was found on their objection form.
- B. A copy of any pleading filed with the Clerk of the Apache County Superior Court in this case shall be served upon each person listed on the Court-approved mailing list.
- C. Claimants wishing to be added or removed from the mailing list shall file a motion with the Special Master. Parties allowed to intervene will be automatically added to the Court-approved mailing list.
- D. The Clerk of the Court will send copies of all minute entries and orders issued in this case to the parties listed on the Court-approved mailing list.

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E. Claimants who would like to receive courtesy copies of minute entries and orders may request inclusion on an email list by sending a request to emily.natale@jbazmc.maricopa.gov.

Signed this / Th day of January 2024

Sherri L. Zendri Special Water Master

On <u>January 17, 7074</u>, 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, a copy of which is attached hereto as Attachment E.

Emily Natale

ATTACHMENT A

General Background on the Water Rights Determination Process in Arizona

A general stream adjudication is a judicial proceeding to determine the quantity and priority of all water rights in a river system. Arizona is undertaking general stream adjudications of both the Gila River and the Little Colorado River systems. A river system includes surface water flowing "in streams or other natural channels", groundwater sufficiently connected to that surface water, and water subject to claims by the federal government. Ariz. Rev. Stat. § 45-251(7). Recognizing and respecting water rights and the priority of such rights is important in Arizona where times of drought or water scarcity can occur.

All cases begin with the filing of a "Statement of Claimant," ("SOC") in which a property owner makes a claim for a right to use surface water on their property. Ariz. Rev. Stat. § 45-254(A). This person is the "claimant." The SOCs contain, among other characteristics, a description of the source and quantity of the water used, the location of use, the location from which the water was diverted, and the date when the water was first put to use. *Id.* § 45-254(C).

After the property owner files the SOCs, the Arizona Department of Water Resources ("ADWR") prepares a "Watershed File Report," ("WFR") in which ADWR investigates the claims in the SOCs and recommends water rights associated with the property. *Id.* § 45-256(B). ADWR compiles all WFRs for a watershed into a comprehensive Hydrographic Survey Report ("HSR") and publishes the report for public review and comment. In response, other claimants in the Adjudication may file "objections" disputing the information or recommendations in the WFR. The individuals who file objections are called "objectors."

This "contested case", one of thousands in the Little Colorado River System, will evaluate claims asserted in specific Statements of Claimant while considering objections to the WFR that reported ADWR's initial inspection of those claims.

ATTACHMENT B

Watershed File Report

LAND OWNER

PETERSON, VICTOR S. & BLANCH C.

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LO	DCATIO TWNP	ON RNGE	CLAIM DATE		CATION RNGE
36-0066709		IRRIGATION STOCKWATERING	350.00	24	090N	220E	1907	SWNWO9 O9ON	230E
36-0066710		IRRIGATION STOCKWATERING	350.00	24	090N	220E	1907	SWSW18 0901	N 230E
36-0066711		IRRIGATION STOCKWATERING	700.00	24	090N	220E	1907	NWNW19 0901	1 230E
39-0086830 39-0086831		DOMESTIC IRRIGATION OTHER	130.00 1400.00 1400.00	SESENW24 NW24 24	090N	220E	< 1971 < 1907		N 220E N 230E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0066709	IRRIGATION STOCKWATERING	IRRIGATION INCIDENTAL		IROO1
36-0066710	IRRIGATION STOCKWATERING	IRRIGATION INCIDENTAL		IROO1
36-0066711	IRRIGATION STOCKWATERING	IRRIGATION		IROO1
39-0086830	IRRIGATION DOMESTIC	INCIDENTAL IRRIGATION DOMESTIC	•	IROO1,DMOO1
39-0086831	IRRIGATION STOCKWATERING REC/FISH/WLDLF	IRRIGATION INCIDENTAL INCIDENTAL	DO1	IROO1

DIVERSIONS

LOCATION		DRAINAGE AREA/		
DIV #	SECTION TWNP RNGE	WATER SOURCE NAME	DIVERSION NAME	REMARKS
DO1	NWNENE24 090N 220E	SHOW LOW CREEK	PETERSON TANK	SHARED

USES

	LDC	MOITA		SUPPLIED BY	WATER	PHOTO	SOURCE	
PWR #	SECTION	TWNP	RNGE	DIVERSIONS	SOURCE	DATE	CHANGE	FACILITY NAME
DM001	SWNWSW24	090N	220E		GROUNDWATER		NO	
I ROO 1	NWSW24	090N	220E	DO1	SURFACE	1935	NO	

SHARED USES AND DIVERSIONS

** WATER FROM DO1 FOUND IN FILE (033-56-7) IS USED IN THIS FILE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	** APP	ARENT FIRST USE ** DATA SOURCE	DRAINAGE AREA/ WATER SOURCE NAME
DMOO1 IROO1	39-0086830 39-0086830 39-0086831 39-0086831	NONE 36-0066709 36-0066710 36-0066711	1907	36-66709 & 36-66710	GROUNDWATER SHOW LOW CREEK

FILE 033-56-ACAD-003(CONTINUED) Q U A N T I T I E S O F U S E

PWR #	QUANTIFICATION TYPE	APPLICABLE ACREAGE/SURFACE AREA (ACRES)	WATER DUTY	ESTIMATED VOLUME	REMARKS
DM001 IR001	AVG. EFFICIENT	17.9 17.9	5.5 AF/AC 2.8 AF/AC	98.4 AFA 50.1 AFA	SEE VOLUME 1 DEFICIT IRRIGATION

EXPLANATION

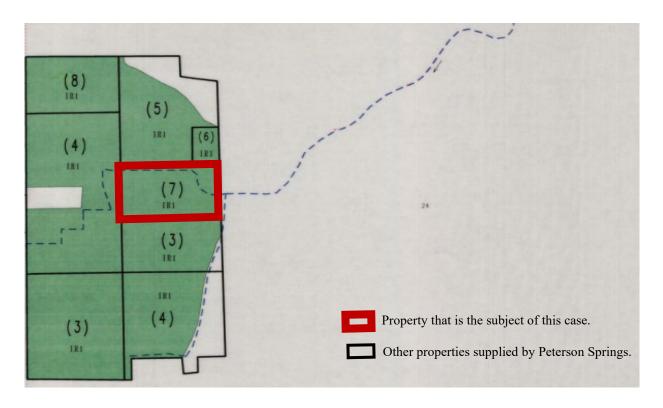
FILINGS AND DECREES
FILINGS 36-66709, 36-66710, 36-66711, 39-86830 & 39-86831 CLAIM SEVERAL SPRINGS (PETERSON,
LOG CABIN AND TREE) ON FOREST SERVICE LAND (REFER TO W.F.R. #033-56-1) THAT SUPPLY FLOW THROUGH
A NATURAL CHANNEL TO PETERSON TANK (REFER TO W.F.R. #'S 033-56-ACAD-2 & 033-56-7).

DIVERSIONS D1 - DIVERSION FROM PETERSON TANK LOCATED ON AN UNNAMED TRIBUTARY TO PORTER CREEK, WITHIN THE SHOW LOW CREEK DRAINAGE AREA.

USES AND RESERVOIRS
DM1 - DOMESTIC USE.
IR1 - IRRIGATED PASTURE.

ATTACHMENT C

WFR Map



ATTACHMENT D

Assessor Map



Legend to Assessor Map

1				
2	Number on Map	Parcel Number 212-26-085	Site Address 1412 Amanda Drive	Owner Steve E Dedmon
3	2	212-70-016	1585 Amanda Drive	Gary Muder
4	3	212-70-015	1561 Amanda Drive	Donald L Sterkel and Tina S Guthrie
5	4	212-70-014	1537 Amanda Drive	Jesus Segoviano and Blanca Lara Jesus Segoviano and Blanca
6	5	212-70-013	1515 Amanda Drive	Lara
١ ٠	6	212-70-012	1491 Amanda Drive	205 Enterprise Llc
7	7	212-70-011	1469 Amanda Drive	205 Enterprise Llc
	8	212-70-010	1445 Amanda Drive	205 Enterprise Llc
8	9	212-70-009	1421 Amanda Drive	205 Enterprise Llc
	10	212-61-030	2122 Emaline Court	Juan and Jose Rosales-Perez
9	11	212-61-029	2098 Emaline Court	Darcam Llc
10	12	212-61-028	2074 Emaline Court	Christopher D Holloway
10	13	212-61-027	2051 Emaline Court	Dustin and Karra Casey
11	14	212-61-026	2075 Emaline Court	Jayton Ioviero
	15	212-61-025	2099 Emaline Court	Virginia E Pierre
12	16	212-61-024	2123 Emaline Court	Mario Bonilla
13	17	212-61-023	2124 Andelyn Court	Maria E Chavez
	18	212-61-022	2100 Andelyn Court	Christopher J & Marlene J Burkhart
14	19	212-61-021	2076 Andelyn Court	Sara Millenaar
15	20	212-61-020	2053 Andelyn Court	Bennie E and Julie A Higgins
	21	212-61-019	2077 Andelyn Court	Cecilia D Richards
16	22	212-61-018	2101 Andelyn Court	James J & Kathryn M Miller
	23	212-61-017	2125 Andelyn Court	Raymond H Mallaire
17	24	212-61-016	1419 Andelyn Lane	Teddy & Raquel L Burnette
18	25	212-61-015	1443 Andelyn Lane	Alexis M McAdam
10	26	212-61-014	1467 Andelyn Lane	Travis Claude
19	27	212-61-013	1491 Andelyn Lane	Mauricio C Alvarado
	28	212-61-012	1515 Andelyn Lane	Philip Dalton
20	29	212-61-011	1539 Andelyn Lane	Ernest G Labarr Cecilia, Serjio, and Maria
21	30	212-61-010	1563 Andelyn Lane	Rodriguez
22	31	212-61-009	1587 Andelyn Lane	Margaret A Zavala
22	32	212-61-008	1436 Peterson Road	Daniel & Joyce Planque
23	33	212-61-007	1458 Peterson Road	Karla Moreno
	34	212-61-006	1480 Peterson Road	Sergio and Maria Sarabia
24	35	212-61-005	1502 Peterson Road	Gordon Smith
	36	212-61-004	1524 Peterson Road	Brian K & Mary G Peterson
25	37	212-61-003	1546 Peterson Road	Julio Rangel
26	38	212-61-002	1568 Peterson Road	Francisco Castillo Dawn Wagner and Vern
27	39	212-61-001	1590 Peterson Road	Rhoton

ATTACHMENT E

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Initial Court-Approved Mailing List 2 3 Arizona Department of Water Resources Kimberly R. Parks and Karen J. Nielsen San Juan Southern Paiute Tribe 1110 West Washington, Suite 310 J. Kolsrud, I. Fimbres-Ruiz, K. Shaffer 4 Phoenix, AZ 85007 May, Potenza, Baran & Gillespie, PC 5 1850 N. Central Avenue, Ste 1600 Arizona State Land Department Phoenix, AZ 85004-4633 Carrie Brennan and Kevin Crestin 6 Arizona Attorney General Navajo Nation Natural Resources Section Evan Hiller, Candace French, Jeffrey Leonard, 7 2005 North Central Judith Dworkin and Kathryn Hoover SACKS TIERNEY P.A. Phoenix, AZ 85004 8 4250 N. Drinkwater Blvd., 4th Floor Clerk of the Superior Court Scottsdale, AZ 85251 9 **Apache County** P. O. Box 365 Navajo Nation Department of Justice 10 Ethel Branch & G. Michelle Brown-Yazzie St Johns, AZ 85936 PO Drawer 2010 11 Mark J. Widerschein Window Rock, AZ 86515 Maggie Woodward 12 US Dept of Justice - ENRD Jack G. Peterson Natural Resources Section PO Box 13 13 PO Box 7611 Lakeside, AZ 85929 Washington, DC 20044 14 Steve E Dedmon Salt River Project PO Box 1507 15 J. B. Weldon, M. A. McGinnis, M. K. Foy Show Low AZ 85902-1507 Salmon, Lewis & Weldon 16 2850 E. Camelback Rd. Suite 200 Gary Muder Phoenix, AZ 85016 1585 Amanda Dr 17 Lakeside AZ 85929-7706 Special Master Sherri Zendri 18 Superior Court of Arizona Donald L Sterkel 201 W. Jefferson Street 1561 Amanda Dr Courtroom 301 19 Lakeside AZ 85929-7706 Phoenix, AZ 85003 20 Vanessa Boyd Willard Jesus Segoviano U. S. Department of Justice 21 PO Box 3135 999 18th Street, Suite 370 Pinetop AZ 85935-3135 Denver, CO 80202 22 205 Enterprise LLC Hopi Tribe 23 1634 Niels Hansen Ln General Counsel of the Hopi Tribe Lakeside AZ 85929 P. O. Box 123 24 Kykotsmovi, AZ 86039 Juan and Jose Rosales-Perez 25 PO Box 2545 C. Campbell, P. Londen, P. Bowden Lakeside AZ 85929-2545 26 OSBORN MALEDON, P.S. 2929 North Central Avenue, Ste 2100 27 Phoenix, AZ 85012

1	Darcam LLC 633 E Ray Rd Ste 108	Teddy & Raquel L Burnette 1419 Andelyn Ln
2	Gilbert AZ 85296-4202	Lakeside AZ 85929-5808
3	Christopher D Holloway 2075 Emaline Ct	Alexis M McAdam 1443 Andelyn Ln
4	Lakeside AZ 85929-5812	Lakeside AZ 85929-5808
5	Dustin and Karra Casey 2076 Andelyn Ct	Travis L Claude PO Box 485
6	Lakeside AZ 85929-5860	Lakeside AZ 85929-0485
7	Jayton A Ioviero 2053 Andelyn Ct	Mauricio C Alvarado 1491 Andelyn Ln
8	Lakeside AZ 85929-5865	Lakeside AZ 85929-5808
9	Virginia E Pierre	Philip Dalton
10	Po Box 262 Fort Thomas AZ 85536-0262	2323 W Dunlap Ave Apt 267 Phoenix AZ 85021-2841
11	Mario Bonilla	Ernest G Labarr
12	6814 San Luis St Paramount CA 90723-3128	1539 Andelyn Ln Lakeside AZ 85929-5807
13		
14	Maria E Chavez 2099 Emaline Ct	Cecilia Rodriguez PO Box 221
15	Lakeside AZ 85929-5812	Pinetop AZ 85935-0221
16	Christopher & Marlene Burkhart	Margaret A Zavala PO Box 3328
17	2100 Andelyn Ct Lakeside AZ 85929-5809	Pinetop AZ 85935-3328
18	Sara Millenaar 2101 Andelyn Ct	Daniel & Joyce Planque PO Box 912
19	Lakeside AZ 85929-5809	Lakeside AZ 85929-0912
20	Julie and Bennie Higgins	Karla Moreno
21	2122 Emaline Ct Lakeside AZ 85929	1458 Peterson Rd Lakeside AZ 85929-5814
22	Cecilia D Richards	Sergio & Maria Sarabia
	1145 NE Juniper St	1480 Peterson Rd
23	Pullman, WA 99163-4614	Lakeside AZ 85929-5814
24	James & Kathryn Miller 6709 E Billings St	Gordon Smith 27072 Calle Caballero Apt B
25	Mesa AZ 85205-8405	San Juan Capistrano CA 92675-4242
26	Raymond H Mallaire	Brian K & Mary G Peterson
27	2125 Andelyn Ct Lakeside AZ 85929-5809	1524 Peterson Rd Lakeside AZ 85929-5800
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1	Julio Rangel 1546 Peterson Rd
2	Lakeside AZ 85929-5800
3	Francisco Castillo 1568 Peterson Rd
4	Lakeside AZ 85929-5800
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Vern M Rhoton Sr 1590 Peterson Rd Lakeside AZ 85929-5800

ATTACHMENT F



Court Connect Hearing Notice for In re Victor S. and Blanch C. 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.

19 Case Name: In re Victor S. and Blanch C. Peterson

Contested Case No. CV6417-33-6894

Start Date/Time: March 6, 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

25 | Dial-in Access Code: 688 970 203#

26 | Tiny URL: https://tinyurl.com/specialwatermaster

To ensure an optimal experience, please review the brief Court Connect training prior to the

hearing: <u>Here</u>

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