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6 **ARIZONA GENERAL STREAM ADJUDICATION**  
7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
8 **IN AND FOR THE COUNTY OF MARICOPA**

9 IN RE THE GENERAL  
10 ADJUDICATION OF ALL RIGHTS  
11 TO USE WATER IN THE GILA  
12 RIVER SYSTEM AND SOURCE

W1-00-001234 (Consolidated)

Contested Case No. **W1-11-002642**

**ORDER REINSTATE CASE**

**AND**

**SCHEDULING CONFERENCE**

14  
15 **CONTESTED CASE NAME:** *In re Jane Moser*

16 **HSR INVOLVED:** San Pedro Hydrographic Survey.

17 **DESCRIPTIVE SUMMARY:** Order reinstating case and setting a conference for  
18 **Thursday, January 29, 2026, at 10:30 am.**

19 **NUMBER OF PAGES:** 7

20 This contested case was initiated June 4, 2025, and the initial status conference  
21 was held on July 17, 2025. No claimants or current property owners attended the hearing.  
22 Therefore, a Minute Entry was issued on July 23, 2025 that ordered any claimant or  
23 property to notify the Court by August 22, 2025, of their interest in pursuing any potential  
24 water rights. Receiving no response, the case was dismissed on October 8, 2025, due to  
25 failure of any claimant or property owner participation.

26 On December 8, 2025, the Special Master received a letter from the current  
27 property owner, S. Scott Nolen, requesting this contested case to be reinstated, asserting  
28 “[m]y lawyers, as statutory agent for Scott’s Shady Ranch, LLC, were never served with

1 the court documents in the correct manner.” The statutory agent for Scott’s Shady Ranch,  
2 LLC, is Gadarian & Cacy, PLLC, who were included on the Court-approved mailing list  
3 (“CAML”) and apparently did receive copies of all court notices with respect to this  
4 contested case because no documents were returned to the Court, and Mr. Nolen indicated  
5 the notices were forwarded “to an old address. . .” Mr. Nolen sent copies of his letter to  
6 all the parties on the CAML.

7 Claims Mr. Nolen’s attorneys were not properly notified are in error. While there  
8 was no explanation for the generalized statement in Mr. Nolen’s letter, the following  
9 information regarding notice procedures for Arizona’s General Stream Adjudication is  
10 provided for Mr. Nolen and his attorneys.

- 11 1. The Arizona Revised Statutes (“A.R.S.”) outline the requirements for notice  
12 for Arizona’s General Stream Adjudication at A.R.S. § 45-253. The summons  
13 that begins a general stream adjudication is properly served by mail, not  
14 personal service. A.R.S. § 45-253(A).<sup>1</sup>
- 15 2. Section 18.02 of the Rules for Proceeding Before the Special Master (“Special  
16 Master's Rules”) requires that service for contested cases be accomplished as  
17 “described in Ariz. R. Civ. Pro. Rule 5(c)” and states that “at a minimum”  
18 service means “to send a document, properly addressed and affixed with  
19 sufficient postage, by first-class mail to a person at his or her last-known  
20 address.”
- 21 3. Ariz. R. Civ. Pro. Rule 5(c) requires that “If a party is represented by an  
22 attorney, service under this rule must be made on the attorney unless the court  
23 orders or a specific rule requires service on the party.”<sup>2</sup> Scott’s Shady Ranch,  
24 LLC, the property owner according to Pima County Assessor’s records, lists  
25 the Gadarian & Cacy, PLLC law firm as the statutory representative.

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27 <sup>1</sup> Affirmed with In re *Matter of Rights to Use of Gila River*, 171 Ariz. 230,236, 830 P.2d  
442,448 (1992) ("Gila I").

28 <sup>2</sup> Ariz. R. Civ. P. 5(c)(1).

1 4. Section 6 of the Gila Pretrial Order No. 1 makes clear that parties “shall mail  
2 a copy of any document [they file] other than a Statement of Claimant Form to  
3 all parties listed on the Court's approved mailing list.”<sup>3</sup>

4 The Adjudication Court sent notices for Scott’s Shady Ranch, LLC by regular U.S.  
5 mail to the statutory agency Gadarian & Cacy, PLLC. Mr. Nolen indicates in his letter  
6 that his statutory agent does not represent him in this matter. However, there is no way  
7 for the Special Master to know such divisions of representation. Nonetheless, given the  
8 relatively timely response from Mr. Nolen, one more chance will be provided for Scott’s  
9 Shady Ranch, LLC, to claim any potential water rights that may exist on the property.

10 **IT IS ORDERED** reinstating this contested case.

11 **IT IS FURTHER ORDERED** that Mr. Nolen review all current statements of  
12 claimant (“SOC”) for this contested case and file with the Arizona Department of Water  
13 Resources (“ADWR”) whatever assignments, updates, or new SOC’s are necessary by  
14 **January 30, 2026**. Should Mr. Nolen have questions regarding the filing of these  
15 documents, the adjudications division of ADWR may be contacted at (602) 771-8590.

16 **IT IS FURTHER ORDERED** setting a conference for **Thursday, January 29,**  
17 **2026, at 10:30am** for Mr. Nolen to update the court on his progress with filing final  
18 SOC’s. Should Mr. Nolen or his representative fail to attend this, or any other  
19 conference, without permission from the Special Master this contested case will be  
20 dismissed, and future reinstatement will not be considered. The status conference will  
21 be held using the Court Connect program. Instructions for Court Connect are attached  
22 as Attachment A. If you receive this Order by email, click on the red box “Join Court  
23 Connect Hearing” on the attached instructions to make an appearance. If you do not  
24 receive this Order by email, log into the Court Connect program on the internet by typing  
25 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you

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28 <sup>3</sup> In re *Gila Adjudication*, Pre-Trial Order No. I at 9 (Sup. Ct. May 30, 1986) (“Pre-Trial Order No. 1”).

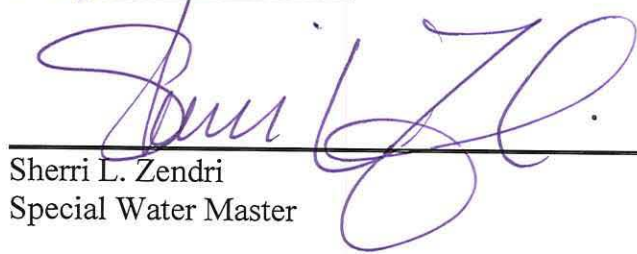
1 may attend telephonically using the telephone number and access code included in the  
2 instructions for Court Connect.

3 Copies of Orders and Minute Entries in this case have been sent to the last  
4 known address of Jane Elizabeth Moser and Robert Floyd, Jerry Hammond, Clarence and  
5 Carol Moyers. These documents have been returned to the Court with the notation that  
6 they cannot be delivered and cannot be forwarded. Accordingly,

7 **IT IS FURTHER ORDERED** removing Jane Elizabeth Moser, Robert Floyd,  
8 Jerry Hammond, Clarence and Carol Moyers, and Ardell N. Bingham. from the Court  
9 Approved Mailing List for this contested case.

10 **IT IS FURTHER ORDERED** that due to new court technology, all future filings  
11 use the case number in the format as shown above.

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13 Signed this 18<sup>th</sup> day of December 2025.

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18 Sherri L. Zendri  
19 Special Water Master  
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22 On December 18, 2025, the original of  
23 the foregoing was delivered to the Clerk of the  
24 Maricopa County Superior Court for filing and  
25 distributing a copy to all persons listed on the  
26 Court-approved mailing list for this contested  
27 case, a copy of which is attached.

28   
Emily Natale

Court Approved Mailing List  
In re Jane Moser  
W1-11-002642 (15 Names)  
Prepared by the Special Master  
updated 12/18/2025

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# Attachment A



## Court Connect Hearing Notice for In re Jane Moser

*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 video conference 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 Jane Moser

**Contested Case No.** W1-11-002642

**Start Date/Time:** Thursday, January 29, 2026, at 10:30 am.

**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](#)*