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ARIZONA GENERAL STREAM ADJUDICATION
IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

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

W1-00-001234 (Consolidated)

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

ORDER SETTING FILING DEADLINES

CONTESTED CASE NAME: *In re Jane Moser*
HSR INVOLVED: San Pedro Hydrographic Survey.
DESCRIPTIVE SUMMARY: This order establishes various filing deadlines for property owner S. Scott Nolen. Failure to comply with these deadlines will result in the dismissal of this contested case.
NUMBER OF PAGES: 4

On December 18, 2025, this contested case was reopened based upon a December 8, 2025, request of the current property owner, S. Scott Nolen. During a January 29, 2026, case initiation conference, Mr. Nolen was encouraged to meet with the Arizona Department of Water Resources (“ADWR”) regarding the appropriate filings required to adjudicate his potential water rights. According to ADWR, Mr. Nolen had agreed to a virtual meeting on February 18, 2026, but failed to attend. Subsequent attempts by ADWR to contact Mr. Nolen between February 18, 2026, and March 3, 2026, were unsuccessful. As of the date of this order, Mr. Nolen has not responded to ADWR.

Mr. Nolen updated his statements of claimant (“SOC”), #39-6040 (irrigation,

1 domestic, and stockpond) and #39-6041 (irrigation), in January 2026. However, none of
2 the SOC's include an appropriate basis or right and only the stockpond SOC includes a
3 date of beneficial first use. To pursue water rights, a property owner must both file a
4 complete SOC, and present to the Court evidence of a legal right to the water they claimed
5 on the SOC, also known as the "Basis of Right." A Basis of Right is documentation filed
6 with ADWR either registering a water right, applying for a Permit to Appropriate Water,
7 or applying for a Stockpond Claim of Right.¹

8 If Mr. Nolen can prove that the water right claimed was initiated prior to June 12,
9 1919, he must file a Statement of Claim registering the claimed water right.² Note that a
10 statement of **claim** is a different document than an SOC.

11 If Mr. Nolen cannot prove that the water right claimed was initiated prior to June
12 12, 1919, he must file either an "Application for a Permit to Appropriate Public Water"
13 or an "Application for a Stockpond Claim of Right."³ If the claimed water right is for a
14 pond constructed before 1977, less than 15 acre-feet, and used solely for watering
15 livestock or wildlife (but not primarily for fishing or culturing of fish), an "application
16 for a stockpond claim of right" must be filed.⁴ If the claimed water right is for any other
17 use, Mr. Nolen must file an "Application for a Permit to Appropriate Public Water."
18 Blank forms for either application may be found on the ADWR website at:
19 <https://www.azwater.gov/surface-water/surface-water-forms-and-documents>.

20 **IT IS ORDERED** Mr. Nolen shall file with the Court no later than **May 1, 2026**,
21 an explanation for his failure to attend the February 18, 2026, meeting with ADWR, as
22 well as his subsequent failure to respond to ADWR. This explanation shall also include
23 notice to the Court of what Basis of Right he intends to pursue for each of his claims.

24 **IT IS FURTHER ORDERED** that Mr. Nolen shall file with ADWR no later than
25 **June 1, 2026**, any necessary applications and supporting documentation for the Basis of
26

27 ¹ See Arizona Revised Statutes ("Ariz. Rev. Stat.") §§ 45-182(A), 45-152(A), 45-273.

28 ² See Ariz. Rev. Stat. §§ 45171, 45-182(A).

³ Ariz. Rev. Stat. §§ 45152(A), 45-272(C).

⁴ Ariz. Rev. Stat. §§ 45-271, 45-272.

1 Right he indicated in his May 1, 2026, filing to the Court.

2 **IT IS FURTHER ORDERED** that Mr. Nolen shall file with the Court, no later
3 than **June 8, 2026**, notice that all required applications and supporting documentation
4 have been provided to ADWR.

5 Should Mr. Nolen fail to meet any of these deadlines, this contested case will be
6 dismissed and any potential water rights associated with watershed file report 113-09-
7 CC-092 will be dismissed.

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Signed this 2nd day of April 2026.



Sherri L. Zendri
Special Water Master

On April 2, 2026, the original of
the foregoing was delivered to the Clerk of the
Maricopa 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.



Emily Natale

Court Approved Mailing List
In re Jane Moser
W1-11-002642 (15 Names)
Prepared by the Special Master
4/2/2026

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