

1
2
3
4
5
6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
7 IN AND FOR THE COUNTY OF MARICOPA
8

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

W-1, W-2, W-3, W-4 (Consolidated)

Contested Case No. **W1-11-002870**

13 **ORDER INITIATING CONTESTED**
14 **CASE**

15 **AND**

16 **SETTING FILING DEADLINES**
17

18 **CONTESTED CASE NAME:** *In re John and Mary Lou Smith II*

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

20 **DESCRIPTIVE SUMMARY:** The Clerk of Maricopa County Superior Court is directed
21 to initiate W1-11-002870. Arizona State Land Department shall file with the Special
22 Master a statement declaring the claims that it intends to pursue by **December 1, 2025**,
23 and draft abstracts by **January 30, 2026**.

24 **NUMBER OF PAGES:** 8

25 **General Explanation**

26 This order opens a case to determine rights to use water on land owned by the
27 Arizona Game and Fish Commission.

28 In this case, Arizona State Land Department ("ASLD") filed Statement of

1 Claimant (“SOC”) 39-6815. The SOC contains a stock watering claim. The Arizona
2 Department of Water Resources (“ADWR”) investigated the claim and prepared
3 Watershed File Report (“WFR”) 114-04-020, published in the Final San Pedro Watershed
4 Hydrographic Survey Report (1991) (“HSR”). A copy of the WFR is attached as
5 Attachment A. After ADWR issued the WFR, objections were filed to the findings made
6 in the WFR by ASLD, the Gila River Indian Community, the San Carlos Apache Tribe,
7 Tonto Apache Tribe, and the Yavapai-Apache Nation.

8 **Claimant and Landowners**

9 WFR 114-04-020 lists John and Mary Lou Smith as the owner of the land
10 investigated: Pinal County parcel 300-33-0040. Pinal County Assessor records indicate
11 that the property is currently owned by the Arizona Game and Fish Commission
12 (“AGFC”). A map depicting the area investigated in the WFR is attached as Attachment
13 B. ASLD appears to have attempted to withdraw SOC 39-6815 when the agency filed
14 their objections to WFR 114-04-020. However, the public records of ADWR for SOC
15 39-6815 include an amendment to the SOC filed by ASLD. ADWR records do not
16 contain any assignments of the SOC listed in the WFR, nor does it appear anyone else
17 has filed any additional SOC's since the issuance of the 1991 HSR.

18 **IT IS ORDERED:**

19 **1. Case Initiation.** This order initiates contested case W1-11-002870.
20

21 **2. Declaration.** ASLD and AGFC shall review the SOC's relevant to this contested
22 case and jointly declare to the Court by **December 1, 2025**, any claims the State
23 of Arizona intends to pursue in this contested case, and which agency will be
24 pursuing the claims.
25

26 **3. Assignments.** If AGFC intends to pursue the claims, any appropriate
27 assignments of SOC's and legal basis of right to water relevant to this contested
28

1 case shall be filed by **January 2, 2026.**

2 **4. Draft Abstracts.** The agency intending to pursue claims as noticed to the Court
3 in #1 above shall file draft abstracts for claims eligible for summary adjudication
4 by **January 30, 2026.** The objecting parties shall file any comments to the draft
5 abstracts by **February 13, 2026.**

6
7 **5. Parties.** The litigants in this contested case are the current landowner, lessees,
8 and all parties who filed objections to the Watershed File Report. The objectors
9 are ASLD, the Gila River Indian Community, the San Carlos Apache Tribe, Tonto
10 Apache Tribe and the Yavapai-Apache Nation.

11 **6. Objections.** Copies of objections filed to this case can be found under the
12 respective case names and numbers on the following website:
13 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudicati](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
14 [on/whatsNew.asp.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
15

16 **7. Court-Approved Mailing List.**

17 **A.** The initial Court-approved mailing list for this case shall include all persons
18 listed on Attachment C to this order. The list may be modified only by filing a
19 motion with the Special Master to amend the Court-approved mailing list.
20 Litigants are responsible for using the current Court-approved mailing list.

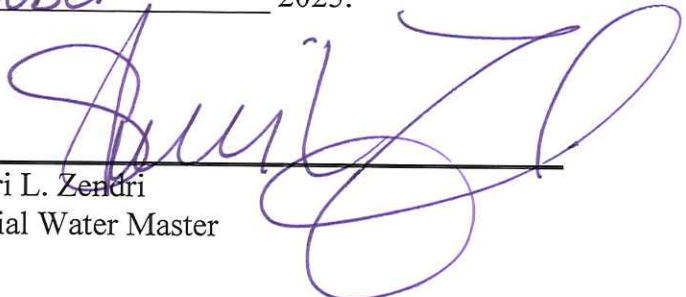
21 **B.** A copy of any pleading filed with the Clerk of the Maricopa County Superior
22 Court in this case shall be served upon each person listed on the Court-
23 approved mailing list.

24 **C.** Claimants wishing to be added or removed from the mailing list shall file a
25 motion with the Special Master. Parties allowed to intervene will be
26 automatically added to the Court-approved mailing list.

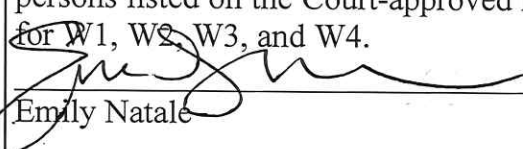
27 **D.** The Clerk of the Court will send copies of all minute entries and orders issued
28 in this case to the parties listed on the Court-approved mailing list.

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

4
5 Signed this 28th day of October 2025.

6
7
8 
9 Sherri L. Zendri
Special Water Master

10
11
12
13
14 On October 28, 2025, the original of
15 the foregoing was delivered to the Clerk of the
16 Maricopa County Superior Court for filing and
17 distributing a copy to all persons listed on the
18 Court-approved mailing list for this contested
case, a copy of which is attached, and to all
persons listed on the Court-approved mailing list
for W1, W2, W3, and W4.

19 
20 Emily Natale

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTACHMENT A
Watershed File Report



AS OF 10/11/91

LAND OWNER	WATERSHED FILE
SMITH, JOHN & MARY LOU	REPORT NUMBER
114-04-020	
PHOTO ID - 7-8 (84)	QUAD 1 - LOOKOUT MOUNTAIN

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
36-0004961		STOCK REC/FISH/WLDF	.53	SENW09	070S	160E	< 1884	SENW09	070S	160E
39-0006815	AMENDED	STOCK REC/FISH/WLDF	.48 .05	NESW09	070S	160E	< 1884	SENW09	070S	160E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0004961	STOCK WILDLIFE	STOCK INCIDENTAL		SW001
39-0006815	STOCK WILDLIFE	STOCK INCIDENTAL		SW001

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE	FACILITY NAME
SW001	NENESW09	070S	160E		SURFACE WATER		NO	INSTREAM USE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
SW001	39-0006815	36-0004961	1884	FILING 36-4961	SURFACE WATER: SAN PEDRO RIVER

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
SW001							SEE VOLUME 1 - GENERAL ASSESSMENT

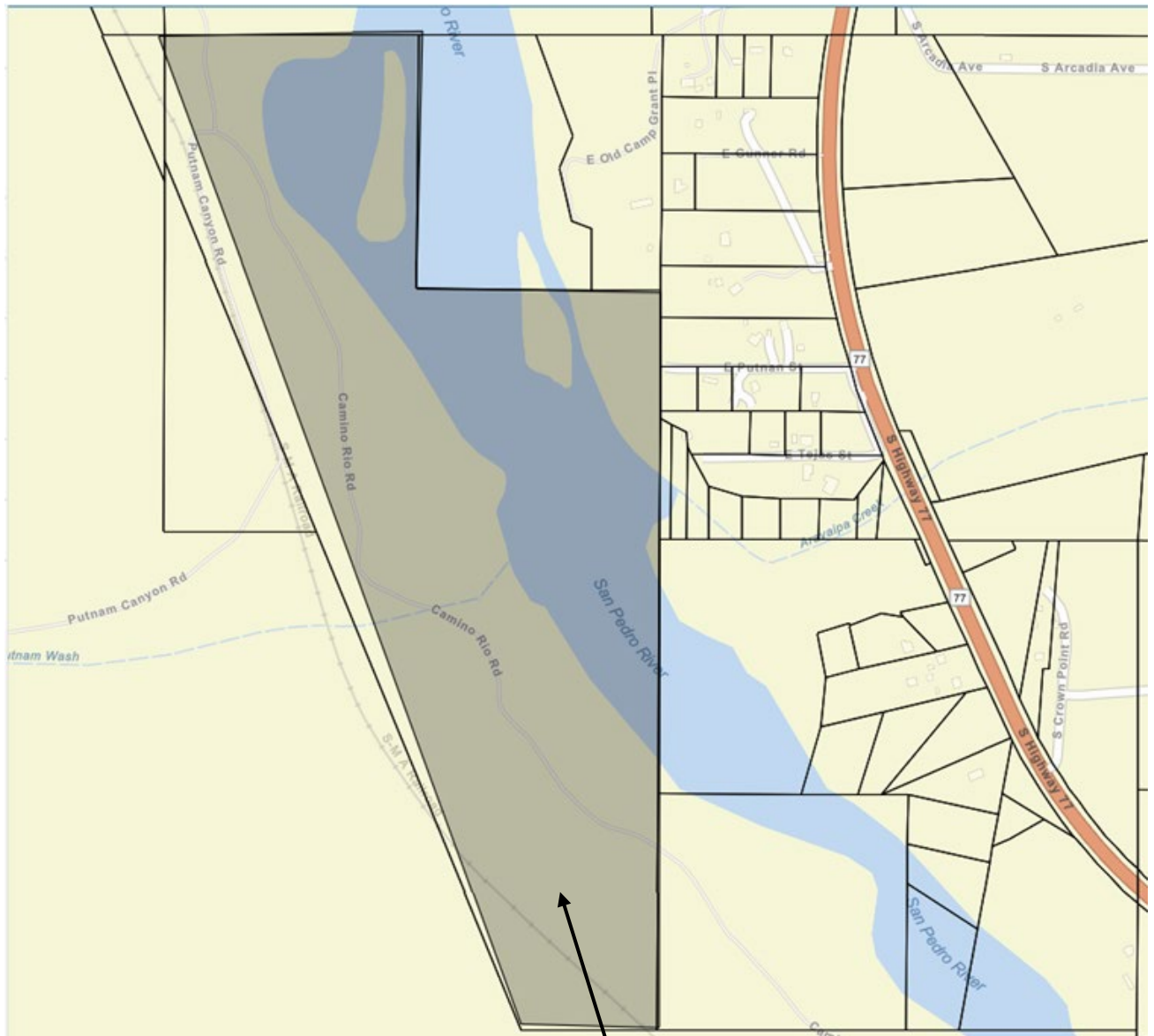
EXPLANATION

USES AND RESERVOIRS
SW1 - INSTREAM STOCKWATERING AND WILDLIFE USES FROM THE SAN PEDRO RIVER.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS
A COMMENT WAS RECEIVED FROM THE STATE LAND DEPARTMENT STATING THAT THE LAND DEPARTMENT DOES NOT CLAIM OWNERSHIP IN THIS W.F.R.

ATTACHMENT B

Pinal County Assessor Map



Parcel: 300-33-0040
Owner: ARIZONA GAME & FISH COMMISSION

ATTACHMENT C

Initial Court-Approved Mailing List

Arizona Department of Water Resources Karen J. Nielsen 1110 West Washington, Suite 310 Phoenix, AZ 85007	Joe P. Sparks and Laurel A. Hermann The Sparks Law Firm, P.C. 7503 First Street Scottsdale, AZ 85251-4573
Clerk of the Superior Court Maricopa County Attn: Water Case 601 West Jackson St. Phoenix, AZ 85003	Alexander B. Ritchie San Carlos Apache Tribe Office of the Attorney General PO Box 40 San Carlos, AZ 85550
Special Master Sherri Zendri Superior Court of Arizona 201 W. Jefferson Street Courtroom 301 Phoenix, AZ 85003	Susan B. Montgomery, Robyn Interpreter Montgomery & Interpreter PLC 3301 E Thunderbird Road Phoenix, AZ 85032
David Jacobs, Kevin Crestin, & Eric Wilkins Arizona Attorney General Natural Resources Section 2005 North Central Phoenix, AZ 85004	Gila River Indian Community Javier Ramos and Michael Carter Office of the General Counsel P.O. Box 97 Sacaton, AZ 85147
Jeremiah Weiner, Brett J. Stavin, and Rosemary Avila Rosette, LLP. 120 S. Ash Avenue, Suite 201 Tempe, AZ 85281	Merrill C. Godfrey and Brette A. Pena Akin Gump Straus Hauer & Feld LLP 2001 K Street, N.W. Washington, DC 20006