

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

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. **W1-11-003286**

**ORDER INITIATING CONTESTED
CASE AND SETTING DEADLINES**

CONTESTED CASE NAME: *In re BLM – Hooper*
HSR INVOLVED: San Pedro Hydrographic Survey.
DESCRIPTIVE SUMMARY: The Clerk of the Maricopa County Superior Court is directed to initiate W1-11-003286. The U.S. shall file with the Special Master a statement declaring the claims that it The United States Bureau of Land Management shall file with the Special Master a statement declaring the claims that it intends to pursue no later than **June 22, 2026**, and file draft abstracts no later than **July 24, 2026**. Comments to the abstracts must be filed no later than **August 7, 2026**.
NUMBER OF PAGES: 8

General Explanation

This order opens a case to determine rights to use water on land owned by the United States. In this contested case, the U.S. Bureau of Land Management (“BLM”) filed statement of claimant (“SOC”) 39-63187. The Arizona Department of Water Resources (“ADWR”) investigated the claims and prepared watershed file report (“WFR”) 115-02-010, published in the San Pedro River Hydrographic Survey Report (“HSR”). A copy of the WFR is attached as Attachment A. A map illustrating the area

1 investigated in the WFR is attached as Attachment B. The WFR describes a stock
2 watering use in the “Horse Mountain” BLM allotment.

3 After ADWR issued the WFR, objections were filed to the findings made in the
4 WFR by the BLM, Gila River Indian Community, the San Carlos Apache Tribe, the
5 Yavapai-Apache Nation, and the Tonto Apache Tribe.

7 **Claimant and Landowners**

8 WFR 115-02-010 lists the BLM as the owner of the land investigated. The public
9 records of ADWR do not contain any assignments of the SOC listed in the WFR. Further,
10 neither the U.S. nor lessees appear to have filed any additional SOCs since the issuance
11 of the HSR.

13 **IT IS ORDERED:**

- 14 **1. Case Initiation.** This order initiates contested case W1-11-003286.
- 15 **2. Declaration.** BLM shall review all SOCs relevant to this contested case and
16 declare to the Court no later than **June 22, 2026**, the claims that it intends to
17 pursue in this contested case.
- 18 **3. Draft Abstracts.** BLM shall file draft abstracts for claims eligible for summary
19 adjudication no later than **July 24, 2026**. The parties shall file any comments
20 to the draft abstracts by **August 7, 2026**.
- 21 **4. Parties.** The litigants in this contested case are the current landowner, lessees,
22 and all parties who filed objections to the watershed file report.
- 23 **5. Objections.** Copies of objections filed to this case can be found under the
24 respective case names and numbers on the following website:
25 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudi>
26 [cation/whatsNew.asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp).
- 27 **6. Court Approved Mailing List.**
 - 28 **A.** The initial Court Approved Mailing List for this case shall include all persons

1 listed on Attachment C to this order. The list may be modified only by filing
2 a motion with the Special Master. Litigants are responsible for using the
3 current Court Approved Mailing List.

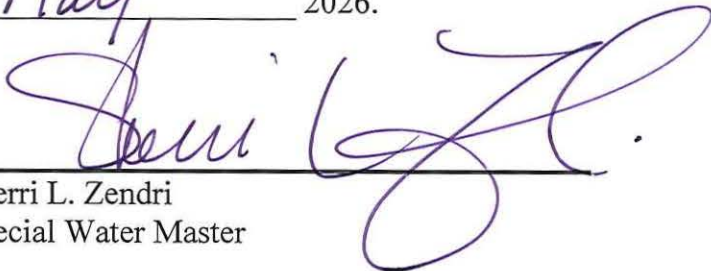
4 **B.** A copy of any pleading filed with the Clerk of the Maricopa County Superior
5 Court in this case shall be served upon each person listed on the Court
6 Approved Mailing List.

7 **C.** Claimants wishing to be added or removed from the mailing list shall file a
8 motion with the Special Master. Parties allowed to intervene will be
9 automatically added to the Court Approved Mailing List.


10 **D.** The Clerk of the Court will send copies of all minute entries and orders issued
11 in this case to the parties listed on the Court Approved Mailing List.

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

15
16 Signed this 14th day of May 2026.

17
18
19 
20 _____
21 Sherri L. Zendri
22 Special Water Master

23 On May 14, 2026, the original of
24 the foregoing was delivered to the Clerk of the
25 Maricopa County Superior Court for filing and
26 distributing a copy to all persons listed on the
27 Court-approved mailing list for this contested
28 case, a copy of which is attached, and to all
persons listed on the Court-approved mailing list
for W1-00-001234.

27 
28 _____
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



LAND OWNER	WATERSHED FILE REPORT NUMBER	LESSEE/ALLOTTEE	LEASE-PERMIT ID
-----	-----	-----	-----
BLM - SAFFORD DISTRICT	115-02-010	HOOPER, LEO & RUBY	4524

A P P L I C A B L E F I L I N G S A N D D E C R E E S

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
33-0087284	CERTIF.	STOCK	.07	SWSE12	050S	190E	1982	SWSE12	050S	190E
		REC/FISH/WLDF	.03							
36-0020664		STOCK					1926	SE11	050S	190E
		REC/FISH/WLDF								
36-0020665		STOCK					1926	NE18	050S	200E
		REC/FISH/WLDF								
36-0020666		STOCK					1926	NE18	050S	200E
		REC/FISH/WLDF								
36-0020667		STOCK					1926	SW18	050S	200E
		REC/FISH/WLDF								
36-0020668		STOCK					1926	SW18	050S	200E
		REC/FISH/WLDF								
36-0020669		STOCK					1926	NE13	050S	190E
		REC/FISH/WLDF								
36-0020670		STOCK					1926	SE13	050S	190E
		REC/FISH/WLDF								
36-0020671		STOCK					1926	SW13	050S	190E
		REC/FISH/WLDF								
36-0020672		STOCK					1926	NW13	050S	190E
		REC/FISH/WLDF								
39-0063187	AMENDED	STOCK	.10	SESESW11	050S	190E	1982	SESESW11	050S	190E
		REC/FISH/WLDF								
4A-0000655	CERTIF.	STOCK	16.13	NWSE11	050S	190E	1926	NWSE11	050S	190E

D W R A N A L Y S I S O F F I L I N G S A N D D E C R E E S

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
-----	-----	-----	-----	-----
33-0087284	STOCK WILDLIFE	STOCK INCIDENTAL		SW001
36-0020664	STOCK RECREATION	SPRING SPRING		
	WILDLIFE	SPRING		
36-0020665	STOCK RECREATION	SPRING SPRING		
	WILDLIFE	SPRING		
36-0020666	STOCK RECREATION	SPRING SPRING		
	WILDLIFE	SPRING		
36-0020667	STOCK RECREATION	SPRING SPRING		
	WILDLIFE	SPRING		
36-0020668	STOCK RECREATION	SPRING SPRING		
	WILDLIFE	SPRING		
36-0020669	STOCK RECREATION	SPRING SPRING		
	WILDLIFE	SPRING		
36-0020670	STOCK RECREATION	SPRING SPRING		
	WILDLIFE	SPRING		
36-0020671	STOCK RECREATION	SPRING SPRING		
	WILDLIFE	SPRING		
36-0020672	STOCK RECREATION	SPRING SPRING		
	WILDLIFE	SPRING		
39-0063187	STOCK WILDLIFE	STOCK INCIDENTAL		SW001
4A-0000655	STOCK	SPRING		

PWR #	LOCATION			SUPPLIED BY		PHOTO DATE	SOURCE CHANGE	FACILITY NAME
	SECTION	TWNP	RNGE	DIVERSIONS	WATER SOURCES			
SW001	NESESW12	O50S	19OE				NO	INSTREAM USE

P W R S U M M A R Y

PWR #	APPLICABLE	APPLICABLE	*APPARENT FIRST USE DATE*	WATER SOURCES AND CLASSIFICATIONS
	ADJ FILINGS	PRE FILINGS	DATE BASIS FOR DATE	
SW001	39-0063187	33-0087284	1982 FILING 33-87284	SURFACE WATER: ARAVAIPA CREEK
NONE	NONE	36-0020664		
		36-0020665		
		36-0020666		
		36-0020667		
		36-0020668		
		36-0020669		
		36-0020670		
		36-0020671		
		36-0020672		
		4A-0000655		

Q U A N T I T I E S O F U S E

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

E X P L A N A T I O N

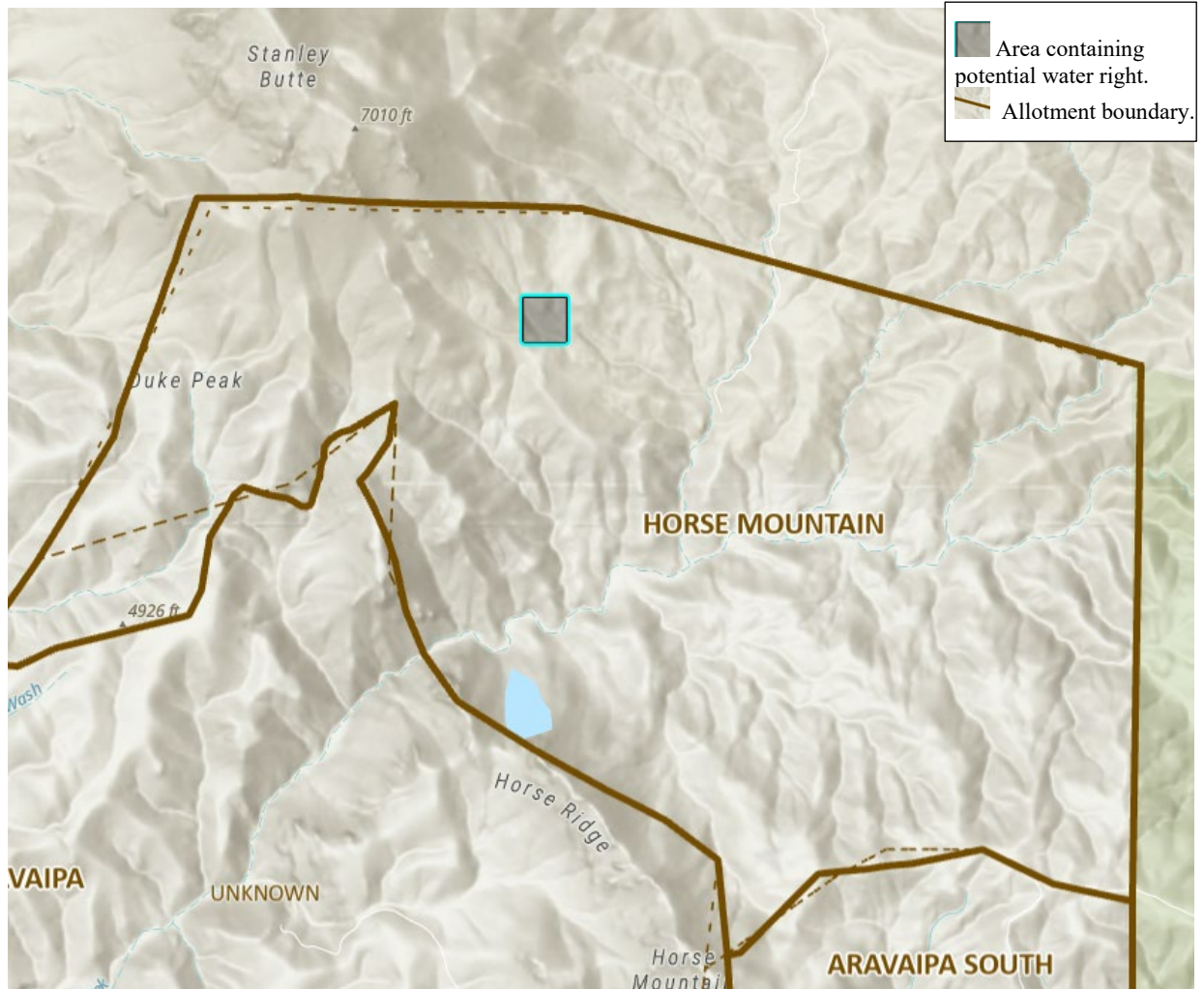
USES AND RESERVOIRS

SW1 - INSTREAM STOCK AND WILDLIFE WATERING USES FROM AN UNNAMED TRIBUTARY TO DEER CREEK WHICH IS A TRIBUTARY OF ARAVAIPA CREEK.

ATTACHMENT B

Map Illustrating Area Investigated in WFR

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



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 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

Jeremiah Weiner
Rosette, LLP.
120 S. Ash Avenue, Suite 201
Tempe, AZ 85281

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

Mark Widerschein
United States Dept. of Justice – ENRD
P.O. Box 7611, Ben Franklin Station
Washington, DC 20044

Gila River Indian Community
Javier Ramos and Michael Carter
Office of the General Counsel
P.O. Box 97
Sacaton, AZ 85147

Josh Edelstein - Phoenix Field Solicitor
Office of the Solicitor
U.S. Department of the Interior
Sandra Day O'Connor US Courthouse
401 W. Washington St., Ste. 404, SPC 44
Phoenix, AZ 85003

Merrill C. Godfrey & Brette A. Pena
Akin Gump Straus Hauer & Feld LLP
2001 K Street, N.W.
Washington, DC 20006

A. Ritchie, J. Sutton, B.Velasco
San Carlos Apache Tribe
Office of the Attorney General
PO Box 40
San Carlos, AZ 85550