

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. **W1-11-003371**

**ORDER INITIATING CONTESTED
CASE AND SETTING DEADLINES**

CONTESTED CASE NAME: *In re BLM – Booger Canyon*

HSR INVOLVED: San Pedro Hydrographic Survey.

DESCRIPTIVE SUMMARY: The Clerk of the Maricopa County Superior Court is directed to initiate W1-11-003371. 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: 7

General Explanation

This order opens a case to determine rights to use water on land owned by the United States. In this contested case, Arizona State Land Department (“ASLD”) filed Statement of Claimant (“SOC”) 39-6769 in September 1980, which was assigned to the United States Bureau of Land Management (“BLM”) on July 7, 1989. The Arizona Department of Water Resources (“ADWR”) investigated the claims and prepared Watershed File Report (“WFR”) 115-05-052, published in the San Pedro River Hydrographic Survey Report (“HSR”). A copy of the WFR is attached as Attachment A.

1 A map illustrating the area investigated in the WFR is attached as Attachment B. The
2 WFR describes a stockpond use in the “Aravaipa South” allotment.

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

6
7 **Claimant and Landowners**

8 WFR 115-05-052 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 after publication of
10 the WFR. Further, neither BLM nor lessees appear to have filed any additional SOCs
11 since the issuance of the HSR.

12
13 **IT IS ORDERED:**

- 14 **1. Case Initiation.** This order initiates contested case W1-11-003371.
- 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](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
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

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

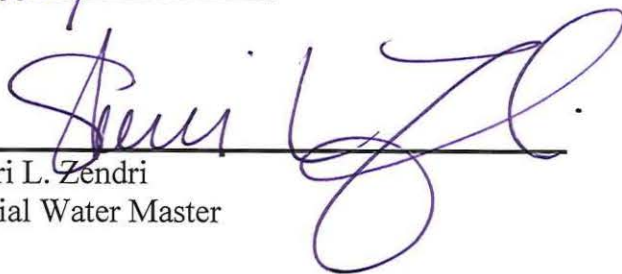
4 **B.** A copy of any pleading filed with the Clerk of the Maricopa County
5 Superior Court in this case shall be served upon each person listed on the
6 Court Approved Mailing List.

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
11 issued 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 Sherri L. Zendri
21 Special Water Master

22 On May 14, 2026, 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, and to all
28 persons listed on the Court-approved mailing list
for W1-00-001034.



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

 BLM - SAFFORD DISTRICT
 PHOTO ID - 16-17 (84)

WATERSHED FILE
 REPORT NUMBER

 115-05-052
 QUAD 1 - BOOGER CANYON

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
36-0068495		STOCK	.16	NWNE04	060S	190E	1940	NWNE04	060S	190E
39-0006769	AMENDED	STOCK STOCK	.16 .02	NWNE04	060S	190E	1940	NWNE04	060S	190E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0068495	STOCK	STOCK		SP001
39-0006769	STOCK WILDLIFE	STOCK INCIDENTAL		SP001

RESERVOIRS

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SP001	NWNE04	060S	190E		SURFACE WATER	1984	ARIZONA BOX TANK	STOCKWATERING WILDLIFE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
SP001	39-0006769	36-0068495	1940 FILING 36-68495	SURFACE WATER: ARAVAIPA CREEK

QUANTITIES OF USE

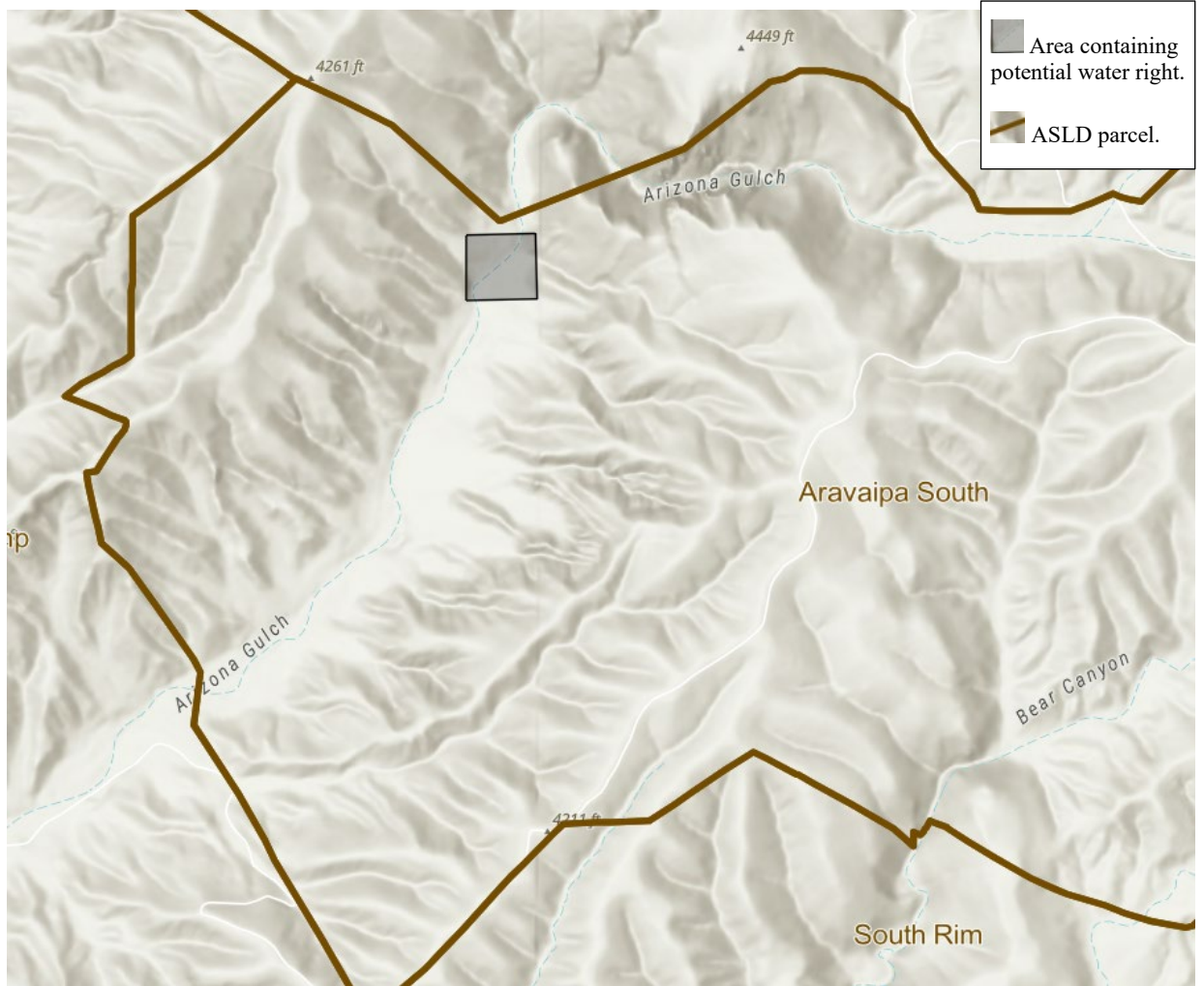
PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
SP001	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	

EXPLANATION

USES AND RESERVOIRS
 SP1 - ARIZONA BOX TANK STOCKPOND.

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

ATTACHMENT C

Initial Court-Approved Mailing List

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

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 and 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