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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

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

Contested Case No. **W1-11-0054**

13 **ORDER INITIATING CONTESTED**
14 **CASE AND SCHEDULING INITIAL**
15 **CONFERENCE HEARING**

16 CONTESTED CASE NAME: *In re Carol J. Tomlinson*

17 HSR INVOLVED: San Pedro Hydrographic Survey.

18 DESCRIPTIVE SUMMARY: The Clerk of Maricopa County Superior Court is directed
19 to initiate W1-11-. Parties who wish to pursue this case are ordered to attend an initial
20 conference hearing scheduled for **Thursday, March 20, 2025, at 10:30am.**

21 NUMBER OF PAGES: 13

22 **This order opens a case to determine legal rights to use water.**

23 **This case is NOT being initiated because of any improper water use.**

24 **Failure to participate may result in dismissal of potential water rights.**

25 The State of Arizona is currently undergoing a General Stream Adjudication to
26 determine water use rights and create an accurate, enforceable record of those rights. In
27 Arizona, surface water, and water pumped from some wells,¹ belongs to the general
28 public. An enforceable right to use this “appropriable” water may be acquired after review

¹ Arizona law includes wells that may be pumping surface water in the General Stream Adjudication and subject to all requirements for surface well use.

1 and approval by Arizona’s General Stream Adjudication Court. This Court has been
2 instructed to evaluate claims to use water in much of the state of Arizona and determine
3 the date of first use, amount, and type of water use. This process, the “general stream
4 adjudication,” is currently evaluating **SANTA CRUZ COUNTY PARCEL Nos. 109-65-**
5 **007, 109-65-008, 109-65-009, 109-65-010, 109-65-011** for potential water rights to be
6 included in the catalog of water rights for the Gila River system.

7 This court order opens a case to determine rights to use water on the parcels listed
8 above, that the Santa Cruz County Assessor has identified as owned by **Paul and Jane**
9 **Hudon, Sharon and Britt Clapham, and Robert H. and Joyce M. Rogers.** Current
10 landowners who intend to pursue any potential water rights associated with this case must
11 attend the initial status conference scheduled for **Thursday, March 20, 2025, at 10:30am.**
12 Interested Parties **MUST** attend the scheduled initial conference if they plan to pursue
13 potential water rights. Failure to appear at the initial conference could result in the
14 dismissal of the case and the loss of water rights associated with the property. The
15 conference will be held virtually using the Court Connect program. Instructions for Court
16 Connect are attached as Attachment A.

17 18 **SUMMARY OF CASE**

19 Arizona Department of Water Resources (“ADWR”) records indicate that Carol J.
20 Tomlinson filed Statements of Claimant 39-1481, 39-1482, 39-12261, 39-12262, 39-
21 12263, and 39-12264 in 1979 and 1984, claiming water for domestic and stock watering
22 uses dating to 1914. The filing of a Statement of Claimant declares an individual’s intent
23 to claim a water right and begins the process of pursuing that water right with the Court.

24 ADWR investigated the claimed water uses and issued Watershed File Report No.
25 111-19-039 in 1991. After the Watershed File Report was issued, the public was allowed
26 an opportunity to object to the findings in the report if they believed there were errors or
27 insufficient documentation. This case will determine water rights existing on the property
28 associated with the relevant Watershed File Report and resolve the objections to the

1 Watershed File Report.

2 The Court recognizes that there has been a long delay between the filing of the
3 initial documents and the initiation of this case. Because of this delay, the property has
4 changed ownership and may have been subdivided. Nonetheless, current landowners may
5 still obtain water rights. Below is a summary of the water uses found on the property at
6 the time of the Report:

Type of Use	Statements of Claimant	Place of Use	Source of Water
Domestic	39-1481, 39-1482, 39-12261, 39-12262, 39-12263, 39-12264	SWSWSW Section 2 8 Township 20S, Range 18E	Babocomari River
Stock watering	39-1482	NENWSW28 Township 20S, Range 18E	Babocomari River

12 ADWR public records do not contain any assignments of the Statements of
13 Claimant listed in the Watershed File Report. After the issuance of the HSR, a previous
14 landowner appears to have filed one additional Statements of Claimant: #39-16523. That
15 SOC claims a domestic use supplied by groundwater.

16 Arizona law requires that for parties to obtain a legal water right, they must provide
17 proof of their right by presenting to the Court an updated and accurate Statement of
18 Claimant claiming a water right, in addition to a matching basis of right, e.g. a statement
19 of claim, decree, stockpond registration, or water rights certificate. Landowners must
20 present the following in order to acquire a water right:

21 A. Earliest evidence of water use.

22 B. Accurate Statements of Claimant in the name of the current landowner. The
23 current landowner may fulfill this requirement by either filing a new statement
24 of claimant or obtaining an assignment or amendment of a preexisting
25 statement of claimant.

26 C. A basis of right accurately describing the claimed use.

27 If the property owner is able to provide proof showing the existence of a water right
28 on their property, the court can recognize an enforceable water right in a “Final Decree.”

Ariz. Rev. Stat. § 45-257(B).

OBJECTING PARTIES

Objectors to a potential water right must present the Court with a specific statement objecting to a specific potential water right attribute. Ariz. Rev. Stat. § 45-256(B). The following entities have filed objections in this contested case:

Objector(s)	Summary of Objections
Salt River Project	<ul style="list-style-type: none">• Absence of “date of first use” recommendation.• Absence of “quantity of use” recommendation.• Absence of “diversion rate” recommendation.
Gila River Indian Community, San Carlos Apache Tribe, Yavapai-Apache Nation (collectively “the Tribes”)	<ul style="list-style-type: none">• The claimed water use depletes water for federal and tribal uses.• Absence of “water use rate.”• Statements of claimant inconsistency with pre-adjudication filings.

Copies of objections in this case can be found under the respective case name and number on the following website:

<http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>

ATTACHMENTS TO THIS ORDER:

Attachment A: Instructions on how to appear virtually or telephonically at the **March 20, 2025**, initial conference.

Attachment B: Additional information and resources on the process for determining water rights in Arizona

Attachment C: Copy of WFR No. 111-19-039.

Attachment D: ADWR map showing land investigated in WFR No. 111-19-039.

Attachment E: Map showing the relevant tax parcels and current ownership.

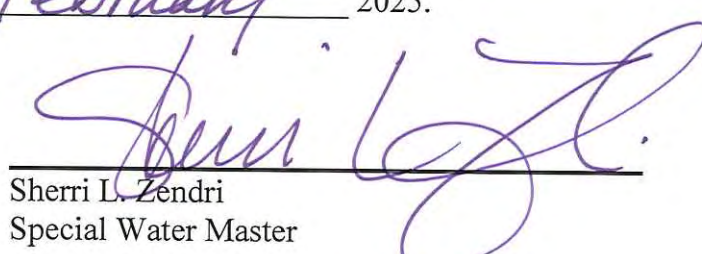
Attachment F: Initial Court Approved Mailing List

1 **IT IS ORDERED** initiating contested case W1-11-0054, *In re Carol J. Tomlinson*,
2 and scheduling an initial conference hearing for **Thursday, March 20, 2025, at 10:30am.**
3 The initial Court-approved mailing list for this case shall include all parties listed on
4 Attachment E to this order. Any document filed in this case must be served on all parties
5 listed on the Court-Approved Mailing List. The list may be modified only by Court order.
6 Anyone who would like to receive courtesy copies of minute entries and orders may
7 request inclusion on an email list by sending a request to:

8 ***emily.natale@jbazmc.maricopa.gov.***

9 If parties have questions regarding this Order or any of the attachments, please
10 contact the Office of the Special Water Master, at (602) 372-4115. Please note that staff
11 can only answer administrative questions and cannot provide legal advice.

12 Signed this 10th day of February 2025.

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18 Sherri L. Zendri
19 Special Water Master
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21 On February 10, 2025, the original of
22 the foregoing was delivered to the Clerk of the
23 Maricopa County Superior Court for filing and
24 distributing a copy to all persons listed on the
25 Court-approved mailing list for this contested
26 case, a copy of which is attached, and to all persons
27 listed on the Court-approved mailing list for W1,
28 W2, W3, and W4.

26 
27 _____
28 Emily Natale

ATTACHMENT A



Court Connect Hearing Notice for In re Carol J. Tomlinson

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 videoconference 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 Carol J. Tomlinson

Contested Case No. W1-11-0054

Start Date/Time: Thursday, March 20, 2025, at 10:30am.

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](#)

ATTACHMENT B

General Background on the Water Rights Determination Process in Arizona

A general stream adjudication is a judicial proceeding to determine the quantity and priority of all water rights in a river system. Arizona is undertaking general stream adjudications of both the Gila River and the Little Colorado River systems. A river system includes surface water flowing “in streams or other natural channels,” groundwater sufficiently connected to that surface water, and water (both surface and groundwater) subject to claims by the federal government. Ariz. Rev. Stat. § 45-251(7). Recognizing and respecting water rights and the priority of such rights is important in Arizona where times of drought or water scarcity can occur.

All cases begin with the filing of a “Statement of Claimant,” (“SOC”) in which a property owner makes a claim for a right to use surface water on their property. Ariz. Rev. Stat. § 45-254(A). This person is the “claimant.” The SOC contains, among other characteristics, a description of the source and quantity of the water used, the location of use, the location from which the water was diverted, and the date when the water was first put to use. *Id.* § 45-254(C).

After the property owner files the SOC, the Arizona Department of Water Resources (“ADWR”) prepares a “Watershed File Report,” (“WFR”) in which ADWR investigates the claims in the SOC and recommends water rights associated with the property. *Id.* § 45-256(B). ADWR compiles all WFRs for a watershed into a comprehensive Hydrographic Survey Report (“HSR”) and publishes the report for public review and comment. In response, other claimants in the Adjudication may file “objections” disputing the information or recommendations in the WFR. The individuals who file objections are called “objectors.”

This “contested case”, one of thousands in the Gila River System, will evaluate claims asserted in specific Statements of Claimant while considering objections to the WFR that reported ADWR’s initial inspection of those claims.

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ATTACHMENT C
Watershed File Report

AS OF 10/11/91

LAND OWNER	WATERSHED FILE REPORT NUMBER
TOMLINSON, CAROL J.	111-19-039
PHOTO ID - 5-13 (84)	QUAD 1 - ELGIN

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 TWP RGE	CLAIM DATE	DIVERSION LOCATION SECTION TWP RGE
36-0035802		DOMESTIC STOCK	1.00	SWSW28 200S 180E	1914	SWSW28 200S 180E
36-0038204		STOCK	2.00	NWSW28 200S 180E	1914	NWSW28 200S 180E
39-0001481	QUE.RECD	DOMESTIC STOCK	1.00 1.00	SWSWSW28 200S 180E	1914	SWSWSW28 200S 180E
39-0001482	QUE.RECD	DOMESTIC STOCK	2.00 2.00	NWSWSW28 200S 180E	1914	NWSWSW28 200S 180E
39-0012261	QUE.RECD	DOMESTIC STOCK	2.00 1.00	NWNWSW28 200S 180E	1914	NWNWSW28 200S 180E
39-0012262	QUE.RECD	DOMESTIC STOCK	.50 .50	NWSWSW28 200S 180E	1914	NWSWSW28 200S 180E
39-0012263	QUE.RECD	DOMESTIC STOCK	.50 .50	NWSWSW28 200S 180E	1914	NWSWSW28 200S 180E
39-0012264	QUE.RECD	DOMESTIC STOCK	1.00 1.00	SWSWSW28 200S 180E	1914	SWSWSW28 200S 180E

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
36-0035802	DOMESTIC STOCK	DOMESTIC INCIDENTAL	S01	DM001
36-0038204	STOCK	STOCK		SW001
39-0001481	DOMESTIC STOCK	DOMESTIC INCIDENTAL	S01	DM001
39-0001482	DOMESTIC STOCK	DOMESTIC STOCK		DM001, SW001
39-0012261	DOMESTIC STOCK	DOMESTIC INCIDENTAL		DM001
39-0012262	DOMESTIC STOCK	DOMESTIC INCIDENTAL		DM001
39-0012263	DOMESTIC STOCK	DOMESTIC INCIDENTAL		DM001
39-0012264	DOMESTIC STOCK	DOMESTIC INCIDENTAL		DM001

D I V E R S I O N S

DIV #	LOCATION SECTION TWP RGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
S01	SWSWSW28 200S 180E	BARNETT SPRING	SURFACE WATER: BABOCOMARI RIVER

U S E S

111-19-039

PWR #	LOCATION SECTION TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE CHANGE	FACILITY NAME
DM001	SWSWSW28 200S	180E	S01	SURFACE WATER	NO	INSTREAM USE
SW001	NENWSW28 200S	180E		SURFACE WATER	NO	

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DM001	39-0001481 39-0001482 39-0012261 39-0012262 39-0012263 39-0012264	36-0035802		SURFACE WATER: BABOCOMARI RIVER
SW001	39-0001482	36-0038204	1914 FILING 36-38204	SURFACE WATER: BABOCOMARI RIVER

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

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DM001							SEE VOLUME 1 - GENERAL ASSESSMENT
SW001							SEE VOLUME 1 - GENERAL ASSESSMENT

E X P L A N A T I O N

FILINGS AND DECREES

FILINGS 39-1481, 39-1482 & 39-12261 THROUGH 39-12264 - UNIFORM QUESTIONNAIRES WERE RECEIVED WHICH REFLECT INFORMATION PREVIOUSLY PROVIDED IN THE ORIGINAL STATEMENTS OF CLAIMANT.

DIVERSIONS

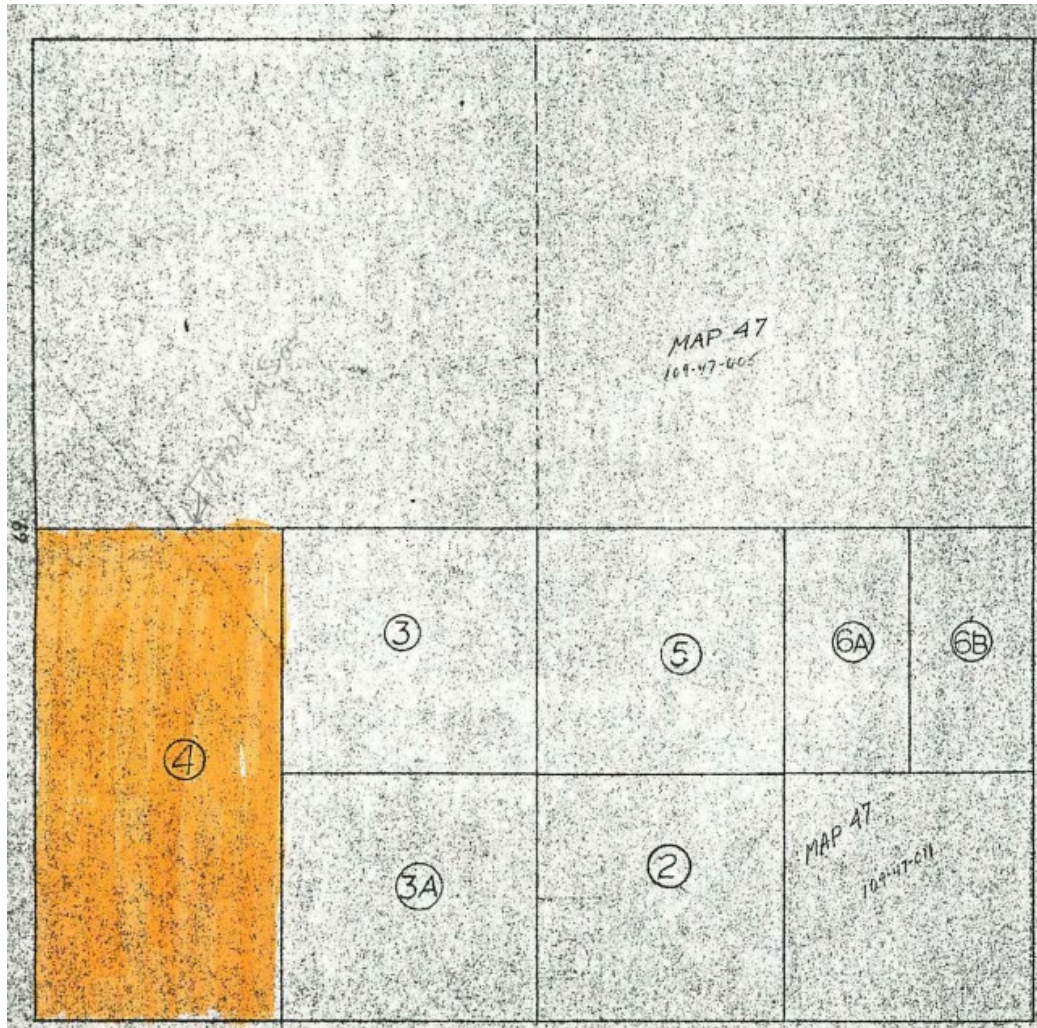
S1 - DIVERSION FROM BARNETT SPRING PROVIDES WATER FOR DOMESTIC USES.

USES AND RESERVOIRS

DM1 - DOMESTIC WATER USE IS SUPPLIED BY BARNETT SPRING AND FOUR PRIVATE WELLS.
SW1 - INSTREAM STOCKWATERING USE FROM AN UNNAMED TRIBUTARY TO THE BABOCOMARI RIVER.

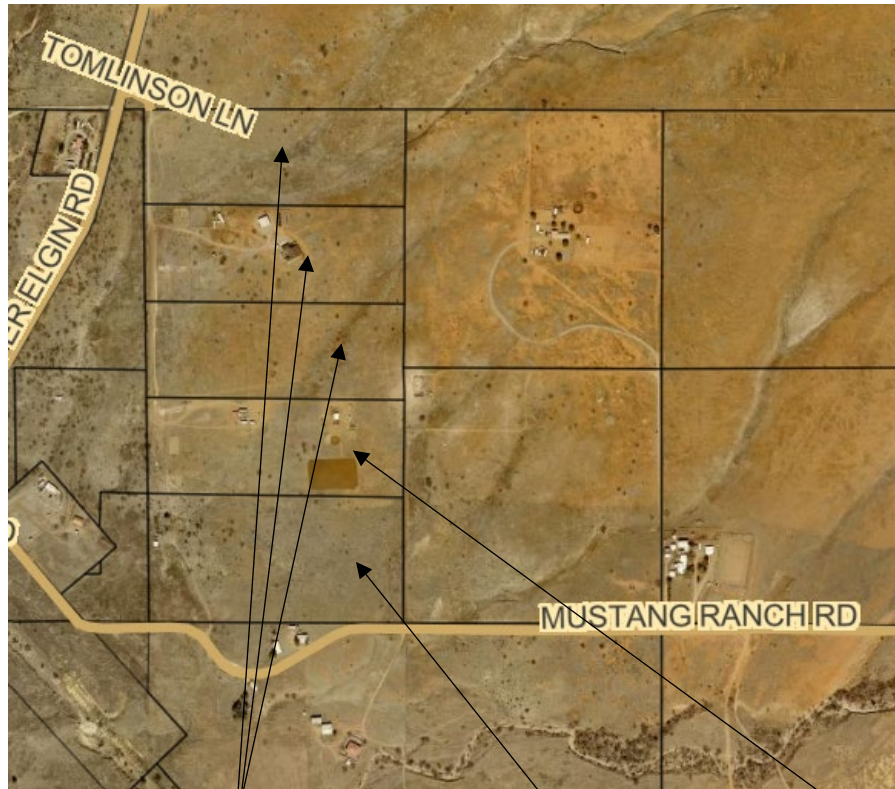
ATTACHMENT D

ADWR Map of Area Investigated



ATTACHMENT E

Santa Cruz County Assessor Map



109-65-008
109-65-008
108-65-009
Paul L. and Jane R. Hudon

109-65-010
Sharon and Britt Clapham

109-65-011
Robert H and Joyce M Rogers

ATTACHMENT F

Initial Court-Approved Mailing List

Arizona Department of Water Resources
Karen J. Nielsen
1110 West Washington, Suite 310
Phoenix, AZ 85007

Gila River Indian Community
Javier Ramos and Michael Carter
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Sacaton, AZ 85147

Clerk of the Superior Court
Maricopa County
Attn: Water Case
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Phoenix, AZ 85003

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Washington, DC 20006

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Superior Court of Arizona
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