

1
2
3
4
5
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. **W1-11-0075**

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

16 **CONTESTED CASE NAME:** *In re James F. Maloney and Patricia M. Matrecito*

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

18 **DESCRIPTIVE SUMMARY:** The Clerk of Maricopa County Superior Court is directed
19 to initiate W1-11-0075. Parties who wish to pursue this case are ordered to attend an initial
20 conference hearing scheduled for **Thursday, March 20, 2025, at 11:30am.**

21 **NUMBER OF PAGES:** 12

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. 109-01-**
5 **12A, 109-01-030, 109-01–36, and 109-01-037** for potential water rights to be included in
6 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 **Matrecito**
9 **Revocable Trust, S & M Cattle Co. LLC, Santa Cruz County School District #25,**
10 **and Willows AZ LLC.** Current landowners who intend to pursue any potential water
11 rights associated with this case must attend the initial status conference scheduled for
12 **Thursday, March 20, 2025, at 11:30am.** Interested Parties **MUST** attend the scheduled
13 initial conference if they plan to pursue potential water rights. Failure to appear at the
14 initial conference could result in the dismissal of the case and the loss of water rights
15 associated with the property. The conference will be held virtually using the Court
16 Connect program. Instructions for Court Connect are attached as Attachment A.

17 18 **SUMMARY OF CASE**

19 Arizona Department of Water Resources (“ADWR”) records indicate that Jewel B.
20 Maloney filed Statement of Claimant 39-1579 in 1979, claiming water for irrigation,
21 domestic, and stock watering uses dating to 1915. The filing of a Statement of Claimant
22 declares an individual’s intent to claim a water right and begins the process of pursuing
23 that water right with the Court.

24 ADWR investigated the claimed water uses and issued Watershed File Report No.
25 111-19-066 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 that there were errors
27 or insufficient documentation. This case will determine water rights existing on the
28 property associated with the relevant Watershed File Report and resolve the objections to

the Watershed File Report.

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

Use	Claim No.	Source	Place of Use
Stockpond	39-1579	Babocomari River	NWNWNE Section 35, Township 20S, Range 17E

ADWR public records do not contain any assignments of the Statements of Claimant listed in the Watershed File Report nor do the current landowners appear to have filed any additional Statements of Claimant since the issuance of the HSR. Arizona law requires that for parties to obtain a legal water right they must provide proof of their right by presenting to the Court an updated and accurate Statement of Claimant claiming the relevant water use, in addition to a matching basis of right, e.g. a statement of claim, decree, stockpond registration, or water rights certificate. Landowners must present the following in order to acquire a water right:

A. Earliest evidence of water use on their property.

B. An accurate Statement of Claimant in their name. The current landowner may fulfill this requirement by either filing a new statement of claimant or obtaining an assignment or amendment of a preexisting statement of claimant.

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

If the property owner is able to provide proof to the Court showing the existence of a water right 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
Gila River Indian Community, San Carlos Apache Tribe, Yavapai-Apache Nation (collectively “the Tribes”)	<ul style="list-style-type: none">• Discrepancy between landowner and claimant.• No pre-adjudication filing associated with the adjudication claim.• The landowner associated with WFR did not file an adjudication claim.
James F. Maloney and Patricia M. Matrecito	<ul style="list-style-type: none">• Objects to ADWR finding that “no irrigation or domestic uses were found” at the location referenced in Statement of Claim 36-14379.

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. 111-19-066.

Attachment D: ADWR map showing land investigated in WFR No. 111-19-066.

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

Attachment F: Initial Court Approved Mailing List

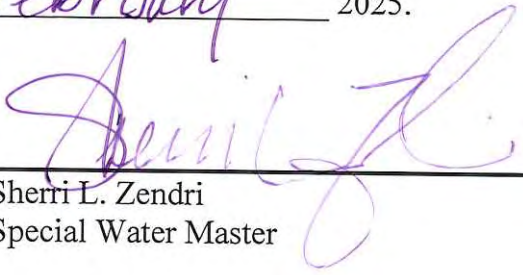
IT IS ORDERED initiating contested case W1-11-0075, In re James F. Maloney and Patricia M. Matrecito, and scheduling an initial conference hearing for **Thursday, March 20, 2025, at 11:30am**. The initial Court-approved mailing list for this case shall include all parties listed on Attachment E to this order. Any document filed in this case must be

1 served on all parties listed on the Court-Approved Mailing List. The list may be modified
2 only by Court order. Anyone who would like to receive courtesy copies of minute entries
3 and orders may request inclusion on an email list by sending a request to:

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

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

8 Signed this 10th day of February 2025.

9
10
11
12 
13 Sherri L. Zendri
14 Special Water Master
15
16

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

25
26
27
28 
Emily Natale

ATTACHMENT A



Court Connect Hearing Notice for In re James F. Maloney and Patricia M. Matrecito

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 James F. Maloney and Patricia M. Matrecito

Contested Case No. W1-11-0075

Start Date/Time: Thursday, March 20, 2025, at 11:30am.

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.

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

Watershed File Report

AS OF 11/05/91

LAND OWNER	WATERSHED FILE REPORT NUMBER
-----	-----
MALONEY, JAMES F. MATRECITO, PATRICIA M.	111-19-066

PHOTO ID - 3-11 (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	TWNP	RNGE	CLAIM DATE	DIVERSION LOCATION SECTION	TWNP	RNGE
36-0014379		IRRIGATION DOMESTIC STOCK	2.00	NWNE35	200S	170E	1915	NWNE35	200S	170E
39-0001579	QUE.RECD	STOCK	2.00	NWNE35	200S	170E	1915	NWNE35	200S	170E

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
36-0014379	IRRIGATION DOMESTIC STOCK	NONE NONE STOCK		SP002
39-0001579	STOCK	STOCK		SP002

R E S E R V O I R S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SP002	NWNE35	200S	170E		SURFACE WATER	1973	DALTON	STOCKWATERING

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
SP002	39-0001579	36-0014379	1915 FILING 36-14379	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
SP002	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	

E X P L A N A T I O N

FILINGS AND DECREES

FILING 36-14379 - CLAIMS IRRIGATION, DOMESTIC, AND STOCKWATERING USES. NO IRRIGATION OR DOMESTIC USES WERE FOUND AT THE CLAIMED LOCATION.

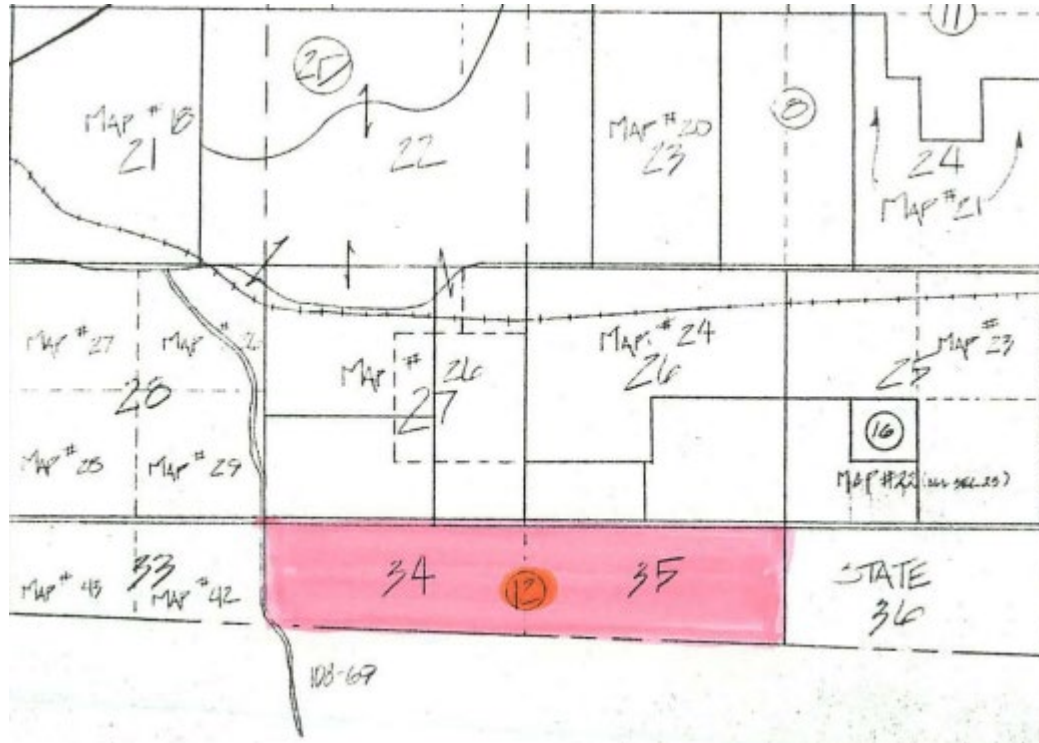
FILING 39-1579 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH INDICATED THAT THE STOCKWATERING USE WAS FROM A STOCKPOND IS POSSIBLY SUPPLEMENTED BY A WELL. TWO ADDITIONAL WELL REGISTRATIONS WERE ALSO MENTIONED.

USES AND RESERVOIRS

SP2 - DALTON STOCKPOND.

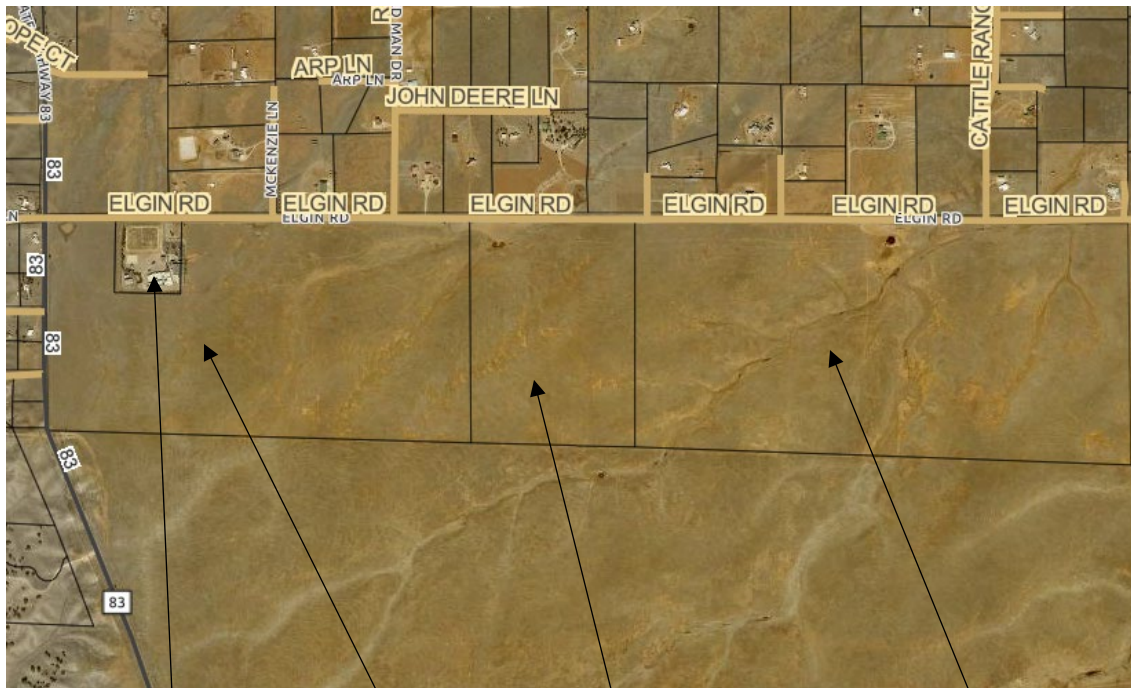
ATTACHMENT D

ADWR Map of Area Investigated



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 E
Santa Cruz County Assessor Map



- | | | |
|---|---|---|
| APN:109-01-030
Santa Cruz Co. School District #25 | APN:109-01-12A
Willows AZ, LLC | APN:109-01-037
Matrecito Family Revocable Trust |
| | APN:109-01-036
S & M Cattle Co. LLC | |

ATTACHMENT F

Initial Court-Approved Mailing List

Arizona Department of Water Resources Karen J. Nielsen 1110 West Washington, Suite 310 Phoenix, AZ 85007	Susan B. Montgomery, Robyn Interpreter, Montgomery & Interpreter PLC 3301 E Thunderbird Road Phoenix, AZ 85032
Clerk of the Superior Court Maricopa County Attn: Water Case 601 West Jackson St. Phoenix, AZ 85003	Gila River Indian Community Javier Ramos and Michael Carter Office of the General Counsel P.O. Box 97 Sacaton, AZ 85147
Special Master Sherri Zendri Superior Court of Arizona 201 W. Jefferson Street Courtroom 301 Phoenix, AZ 85003	Merrill C. Godfrey and Brette A. Pena Akin Gump Straus Hauer & Feld LLP 2001 K Street, N.W. Washington, DC 20006
Alexander B. Ritchie San Carlos Apache Tribe Office of the Attorney General PO Box 40 San Carlos, AZ 85550	Matrecito Family Revocable Trust PO Box 8 Patagonia, AZ 85624
Joe P. Sparks and Laurel A. Hermann The Sparks Law Firm, P.C. 7503 First Street Scottsdale, AZ 85251-4573	S & M Cattle Co. LLC c/o Rita L. Spears 522 W 1st St. #107 Tempe, AZ 85281
Jeremiah Weiner, Brett J. Stavin, and Jay Lee Rosette, LLP. 120 S. Ash Avenue, Suite 201 Tempe, AZ 85281	Willows AZ LLC c/o Franklin Dodge 3200 N. Central Ave Ste. 2250 Phoenix, AZ 85012
Santa Cruz County School District #25 PO Box 36 Elgin, AZ 85611	Jewel B. Maloney Box 255 Elgin, AZ 85611