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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. **W1-11-1303**

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

16 CONTESTED CASE NAME: *In re William P. Ullrich*

17 HSR INVOLVED: San Pedro Hydrographic Survey.

18 DESCRIPTIVE SUMMARY: The Clerk of Maricopa County Superior Court is directed  
19 to initiate W1-11-1303. Parties who wish to pursue this case are ordered to attend an initial  
20 conference hearing scheduled for **Thursday, March 27, 2025, at 10:00 am.**

21 NUMBER OF PAGES: 14

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,<sup>1</sup> belongs to the general  
28 public. An enforceable right to use this “appropriable” water may be acquired after review

<sup>1</sup> 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 **COCHISE COUNTY PARCEL Nos. 104-48-**  
5 **015A, 104-48-017B, 104-48-017E, 104-48-017F, and 104-48-017G.** for potential water  
6 rights to be 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 Cochise County Assessor has identified as owned by **Ronald Dolan**  
9 **Boyter, Mary M. and Charles G. Graf, Shirley L. Bayham-Hicks and Perry L. Hicks,**  
10 **and Katherine Salwei.** 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 27, 2025, at 10:00 am.** 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.

## 18 **SUMMARY OF CASE**

19 Arizona Department of Water Resources (“ADWR”) records indicate that William  
20 P. Ullrich filed Statements of Claimant 39-5923, 39-5924, and 39-5925 in 1980, claiming  
21 water for domestic uses dating to 1918 at the earliest. 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.  
25 111-24-CB-029 in 1991. After the Watershed File Report was issued, the public was  
26 allowed an opportunity to object to the findings in the report if they believed that there  
27 were errors or insufficient documentation. This case will determine water rights existing  
28 on the property associated with the relevant Watershed File Report and resolve the

1 objections to the 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 use found on the property at the  
6 time of the Report:

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Use	Associated SOC's	Source	Place of Use
Domestic	39-5922, 39-5923, 39-5924, and 39-5925	Groundwater	SEWNNE 33 Township 23S, Range 22E

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10 ADWR public records do not contain any assignments of the Statements of  
11 Claimant listed in the Watershed File Report. One SOC has been filed with respect to the  
12 land investigated since the issuance of the HSR. The SOC, 39-15319, claims a right for  
13 domestic use. Katherine Salwei filed this SOC in 2004.

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

- 19 A. Earliest evidence of water use on their property.
- 20 B. An accurate Statement of Claimant in their name. The current landowner may  
21 fulfill this requirement by either filing a new statement of claimant or  
22 obtaining an assignment or amendment of a preexisting statement of claimant.
- 23 C. A basis of right accurately describing the claimed use.

24 If the property owner is able to provide proof to the Court showing the existence of  
25 a water right on their property, the court can recognize an enforceable water right in a  
26 "Final Decree." Ariz. Rev. Stat. § 45-257(B).

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## 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"><li>WFR does not report point of diversion, diversion rate, water right quantification, and date of first use.</li></ul>
Gila River Indian Community, San Carlos Apache Tribe, Yavapai-Apache Nation (collectively “the Tribes”)	<ul style="list-style-type: none"><li>WFR does not report the claimed quantity of water or the claimed place of use.</li><li>The claimed water use interferes with federal and tribal rights.</li><li>WFR does not report a claimed water use rate.</li><li>WFR does not report quantity in pre-adjudication filings.</li><li>There are inconsistencies between statements of claimant and pre-adjudication filings.</li></ul>
United States, joined by the Tribes	<ul style="list-style-type: none"><li>The claimed water use interferes with federal and tribal rights.</li><li>At least one statement of claimant or pre-adjudication filing is missing a point of diversion.</li><li>At least one statement of claimant or pre-adjudication filing is missing a quantity.</li></ul>

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 27, 2025**, initial conference.

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

1 Attachment C: Copy of WFR No. 111-24-CB-029.

2 Attachment D: ADWR map showing land investigated in WFR No. 111-24-CB-029.

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

4 Attachment F: Initial Court Approved Mailing List

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6 **IT IS ORDERED** initiating contested case W1-11-1303, *In re William P. Ullrich*, and  
7 scheduling an initial conference hearing for **Thursday, March 27, 2025, at 10:00 am.**

8 The initial Court-approved mailing list for this case shall include all parties listed on  
9 Attachment E to this order. Any document filed in this case must be served on all parties  
10 listed on the Court-Approved Mailing List. The list may be modified only by Court order.  
11 Anyone who would like to receive courtesy copies of minute entries and orders may  
12 request inclusion on an email list by sending a request to:

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

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

17 Signed this 10<sup>th</sup> day of February 2025.

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21 Sherri L. Zendri  
22 Special Water Master  
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1 On February 10, 2025, the original of  
2 the foregoing was delivered to the Clerk of the  
3 Maricopa County Superior Court for filing and  
4 distributing a copy to all persons listed on the  
5 Court-approved mailing list for this contested  
6 case, a copy of which is attached, and to all persons  
7 listed on the Court-approved mailing list for W1,  
8 W2, W3, and W4.

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Emily Natale

## ATTACHMENT A



### **Court Connect Hearing Notice for In re William P. Ullrich**

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 William P. Ullrich**

**Contested Case No. W1-11-1303**

**Start Date/Time: Thursday, March 27, 2025, at 10:00 am.**

**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**

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
ULLRICH, WILLIAM P., ETUX	111-24-CB-029

## 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
36-0043058		IRRIGATION STOCK		NE33	230S	220E	1932	NE33	230S	220E
36-0043059		DOMESTIC IRRIGATION STOCK		NE33	230S	220E	1930	NE33	230S	220E
39-0005922		DOMESTIC	2.50				1918			
39-0005923	QUE.RECD	DOMESTIC		NE33	230S	220E	1976	NENENE33	230S	220E
39-0005924		DOMESTIC	2.50				1918			
39-0005925		DOMESTIC					1968	NENENE33	230S	220E

## 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
36-0043058	IRRIGATION STOCK	INCIDENTAL DOMESTIC		DMOO1
36-0043059	IRRIGATION STOCK	INCIDENTAL DOMESTIC		DMOO1
39-0005922	DOMESTIC	DOMESTIC		DMOO1
39-0005923	DOMESTIC	DOMESTIC		DMOO1
39-0005924	DOMESTIC	DOMESTIC		DMOO1
39-0005925	DOMESTIC	DOMESTIC		DMOO1

## U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	SENWNE33	230S	220E		GROUNDWATER : ZONE 1		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
DMOO1	39-0005922 39-0005923 39-0005924 39-0005925	36-0043058 36-0043059		GROUNDWATER : ZONE 1 OF THE SAN PEDRO 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
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT

## E X P L A N A T I O N

## FILINGS AND DECREES

FILING 39-5923 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH VERIFIED WATER USE AMOUNTS AND DIVERSION LOCATIONS.

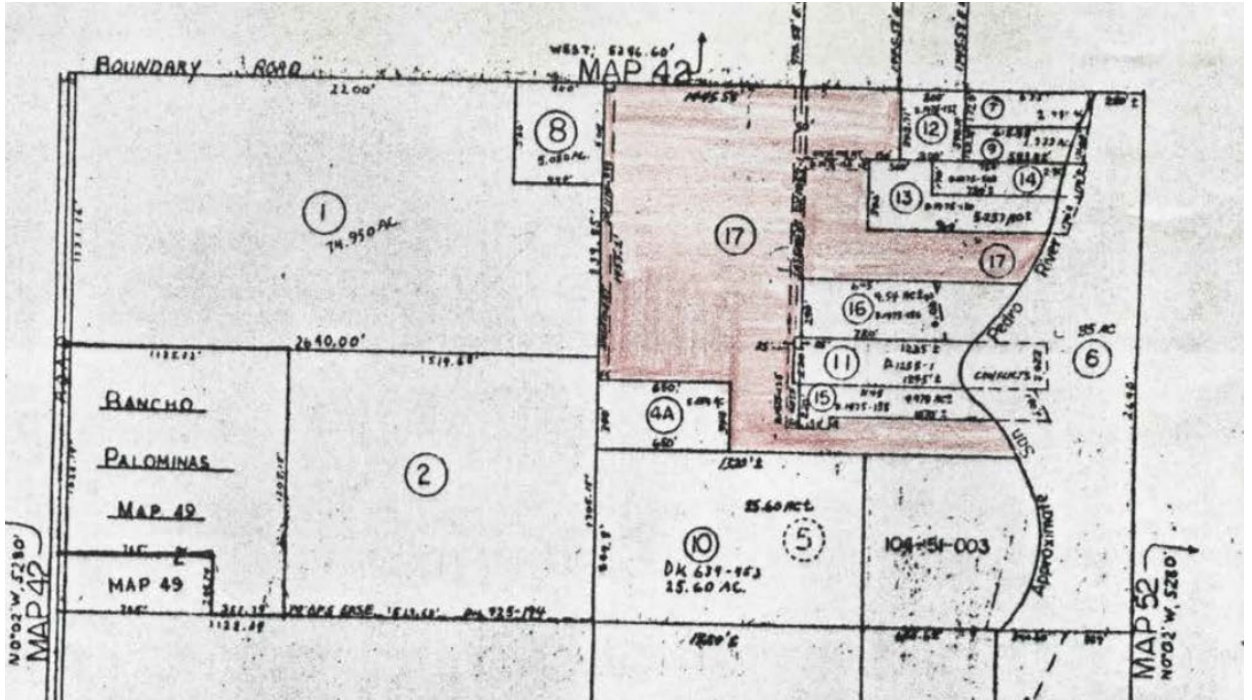
## USES AND RESERVOIRS

DM1 - DOMESTIC WATER USE INCLUDES IRRIGATION TOTALING LESS THAN ONE-HALF ACRE AND

STOCKWATERING USES WITHIN GROUNDWATER ZONE 1 OF THE SAN PEDRO RIVER.

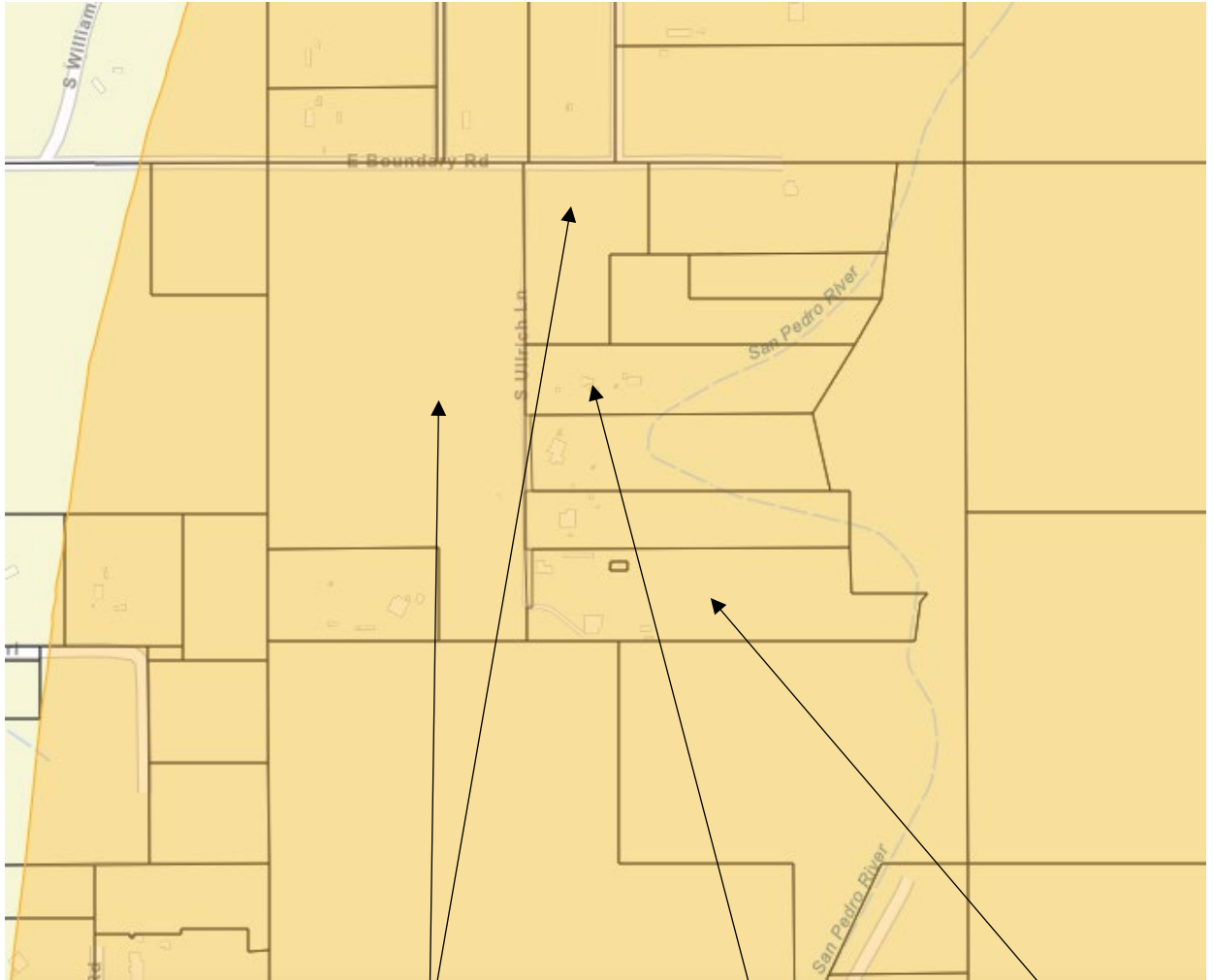
ATTACHMENT D

ADWR Map of Area Investigated



**ATTACHMENT E**

**Map Depicting Relevant Cochise Co Parcels and Subflow Zone (orange)**



**104-48-017E**  
**104-48-017F**  
Shirley L Bayham-Hicks &  
Perry L. Hicks

**104-48-017B**  
Mary M. and  
Charles G. Graf

**104-48-017G**  
Katherine Salwei

## 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	J. B. Weldon, M. A. McGinnis, M. K. Foy Salmon, Lewis & Weldon 2850 E. Camelback Rd. Suite 200 Phoenix, AZ 85016
Laura Boyer & Maggie Woodward United States Dept. of Justice – ENRD P.O. Box 7611, Ben Franklin Station Washington, DC 20044	William P. Ullrich PO Box 7 Hereford, AZ 85615
Joe P. Sparks and Laurel A. Hermann The Sparks Law Firm, P.C. 7503 First Street Scottsdale, AZ 85251-4573	Perry L. Hicks & Shirley L Bayham-Hicks 9803 S Ullrich Ln Hereford, AZ 85615
Jeremiah Weiner, Brett J. Stavin, and Jay Lee Rosette, LLP. 120 S. Ash Avenue, Suite 201 Tempe, AZ 85281	Mary M. and Charles G. Graf 4335 W. Tule Creek Ct. Tucson, AZ 85745-4120
	Katherine Salwei 9587 Ullrich Ln. Hereford, AZ 85615
	Ronald Dolan Boyter 390 S Avenida de Las Sabinas Green Valley, AZ 85614