

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

October 8, 2024

CLERK OF THE COURT

SPECIAL WATER MASTER
SHERRI ZENDRI

S. Ortega
Deputy

In re: Lee E. and Sharie H. Taylor
Contested Case No. W1-11-1483

FILED: October 14, 2024

In Re: The General Adjudication
of All Rights to Use Water in the
Gila River System and Source
W-1, W-2, W-3 and W-4 (Consolidated)

In re: Initial Conference

MINUTE ENTRY

Courtroom: CCB 301

11:02 a.m. This is the time set for an initial conference.

The following attorneys and parties appear virtually and/or telephonically:

- Claimant Sunni Snow on behalf of Rancho Fiesta Land & Cattle, L.L.C. and Snow Development LLC
- Michael Carter for the Gila River Indian Community
- Laurel A. Herrmann for San Carlos Apache Tribe
- Susan Montgomery for the Yavapai Apache Nation and observing for the Pasqua Yaqui Tribe
- John Habib for BHP
- Kaitlyn smith for ASARCO
- Katrina Wilkinson for Salt River Project (SRP)
- Mark Widerschein and Laura Boyer for the United States
- Kimberly R. Parks for the Arizona Department of Water Resources (ADWR)
- Carla A. Consoli observing for the Arizona Chapter of the Nature Conservancy
- Brett Stavin for Tonto Apache Tribe
- Katya M. Lancero observing for the Navajo Nation
- Brian Heiserman observing for the St. David Irrigation District
- Steve Titla observing for Tonto Apache Tribe

- Kevin P. Crestin and Eric Wilkins Observing for Arizona State Land Department (ASLD)

A record of the proceedings is made digitally in lieu of a court reporter.

Sunni Snow informs the Court that Lee Taylor is deceased and Sharie Taylor no longer owns the property. Sunni Snow is the owner of the property listed as Rancho Fiesta Land & Cattle, LLC. Snow Development LLC has no interest in the parcel.

Ms. Snow also informs the Court that there are two wells on her property; one well is located on the lower northwest and one in the middle of the property. The well registration numbers are 55-618142 and 55-086256.

Ms. Snow informs the Court that well number 55-607262, listed in the case initiation order as located on Ms. Snow's parcel number 2081014B, actually belongs to Daniel White of White House Ranch which is west of her property across the river.

The Court informs claimant that the wells are in the subflow to the San Pedro River and under Arizona Law they are presumed to be pumping river water. The Court explains that surface water and river water in the State of Arizona needs to be allocated appropriately.

Further discussion is held regarding the water rights. The Statement of Claimant filed by Lee Taylor and Sharie Taylor need to be either assigned to Ms. Snow or amended. The Court recommends that Ms. Snow speak to ADWR for help with filling out the appropriate forms. Ms. Snow provided her email address and ADWR will reach out to Ms. Snow to schedule a meeting. The Court directs ADWR to contact Ms. Snow and schedule a meeting by **November 22, 2024**.

The Court directs ADWR to then provide a status report to the Court by **December 13, 2024**.

Ms. Snow confirms that she is using the two wells currently on her property. The well water is currently being used for irrigating approximately eight acres of fields and for holding tanks. Ms. Snow confirms that she wants to continue use of the wells.

Discussion is held regarding claims from the original watershed file report relating to wells that are not on the property.

Mr. Wilkinson states that after a review of the maps, SRP identified that parcel #208-10-014C is also within the boundaries of the WFR and also looks to be the place of use for the domestic PWR that was identified in the WFR. Ms. Wilkinson suggests that ADWR create a map showing places of use and location of wells at issue.

The Court directs ADWR to include a map suggested by SRP in the status report due to the Court by December 13, 2024.

11:24 a.m. Hearing concludes.

A copy of this order is mailed to all persons listed on the Court-approved mailing list.

LATER:

Arizona law requires the Adjudication Court to determine the nature, extent and relative priority of the rights of individuals and entities to use waters of the Gila River system and source, which includes surface water and certain subsurface water referred to as “subflow.” Subflow is water that flows underground through gravel and sand, but it exists so close to a surface stream that it is actually a part of that surface stream, rather than a different groundwater source.

To pursue water rights, whether surface or subflow, a property owner must file a Statement of Claimant and present to the Court evidence of the existence of a water right on their property. This evidence may include the WFR. If the property owner proves to the Court the existence of a water right on their property, the Court will recognize enforceable water rights in a “Final Decree.” ARS § 45-257(B).

Objections for this contested case can be found on the General Stream Adjudication website under “Active Cases” at:
<https://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/docs/W1-11-1483-OBJ.pdf>

Documents prepared by the Arizona Department of Water Resources (ADWR) as part of the November 1991 Hydrographic Survey Report (“HSR”) and the April 2014 Revised Subflow Delineation for the San Pedro River can be found on the ADWR website at: <https://www.azwater.gov/adjudications>

Parties wishing to move forward with historical water rights claims on their property must ensure Statement of Claimants are current and that documentation of the reason the claim to the water is legally valid, also known as the “basis of right,” is presented to the Court. Additionally, claimants must be able to document the use of the water had not been suspended for any period of five (5) successive years since the use began.

1) Statement of Claimants (SOCs)

A SOC is a landowner’s or lessee’s (“claimant’s”) written statement to the Court that provides details about their water right claim. This claim to use public water is filed with the Arizona Department of Water Resources (“ADWR”). Although a water right

generally remains attached to the land, the SOC must reflect the current claimant's name and contact information as well as any changes to the original claim. The SOC as filed does not list current property owners or lessees. To update an SOC, parties may make an SOC amendment, obtain a SOC assignment from the original claimant, or file a new SOC for their use. See Ariz. Rev. Stat. §§ 45-254. Forms may be found on ADWR's website at: <https://www.azwater.gov/adjudications/statement-claimant-new-use-summons-forms>

2) Basis of Right

To obtain a water right, a claimant must also provide a "basis of right." A basis of right is a document filed with ADWR either registering a water right, applying for a permit to appropriate water, or applying for a stockpond claim of right. See Arizona Revised Statutes ("Ariz. Rev. Stat.") §§ 45-182(A), 45-152(A), 45-273.

If a claimant proves that the water right claimed was initiated prior to June 12, 1919, they do not need to file an "application for a permit to appropriate," but must present a statement of claim registering their claimed water right and filed prior to, (90 days before the publication of the San Pedro HSR). See Ariz. Rev. Stat. §§ 45-171, 45-182(A). *Note that a statement of claim is a different document than a statement of claimant.*

ADWR can help the current property owners determine if former Claimants properly registered the potential water rights claimed on the SOC's for this contested case. If a claimant either cannot prove that the water right claimed was initiated prior to June 12, 1919, or cannot present a statement of *claim* filed prior to August 22, 1991, the claimant must file either an "application for a permit to appropriate public water" Ariz. Rev. Stat. §§ 45-152(A). Blank forms for the application may be found on the ADWR website at: <https://www.azwater.gov/surface-water/surface-water-forms-and-documents>

Because of the time and cost involved in pursuing an "application for a permit to appropriate public water" or an "application for a stockpond claim of right," claimants should first gather as much evidence as possible to determine which, if any, of their water rights claims are for water uses initiated prior to June 12, 1919, and described in a timely filed statement of *claim*.

Federal land entry case files (e.g. homestead proofs and affidavits) may be useful for proving historical farming and grazing activity on your land. Resources for finding land entry filings are listed below:

- Federal land patents may be found here:
<https://gloreCORDS.blm.gov/search/default.aspx>

- Pre-1908 homestead proofs may be accessed from a physical FamilySearch location. See <https://locations.familysearch.org/en/search> for more information.
- Any other land entry case files can be ordered using the following form: <https://www.archives.gov/forms/pdf/natf-84.pdf>.

While it is not necessary, Claimants are free to seek their own legal counsel at any time should they decide to do so. In addition, The Arizona Adjudications Project is taking applications to provide free, limited legal representation in the adjudication. The team can help claimants who are not already represented by an attorney. You can apply for assistance here: <https://law.arizona.edu/academics/clinical-programs/natural-resource-use-management-clinic/arizona-adjudications-clinic>.

To contact the University of Arizona Adjudications Project call (520) 621 6722 or via email at: law-azadjudicationsproject@arizona.edu.

To contact ADWR regarding application forms and processing procedures please call 1-866-246-1414, email smitchell@azwater.gov, or visit <https://www.azwater.gov/adjudications>.

To contact the Office of the Special Water Master please call (602) 372-4115