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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. **W1-11-1540**

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

16 **CONTESTED CASE NAME:** *In re Elizabeth Muhlfeld*

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

18 **DESCRIPTIVE SUMMARY:** The Clerk of Maricopa County Superior Court is directed
19 to initiate W1-11-1540. Parties who wish to pursue this case are ordered to attend an initial
20 conference hearing scheduled for **Thursday, May 1, 2025, at 10:30 am.** ADWR is
21 ordered to prepare a map depicting the area investigated as part of WFR 112-16-008.

22 **NUMBER OF PAGES:** 11

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

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

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

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

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 approval by Arizona’s General Stream Adjudication Court. This Court has been instructed
2 to evaluate claims to use water in much of the state of Arizona and to determine the date
3 of first use, amount, and type of water use. This process, the “general stream
4 adjudication,” is currently evaluating **COCHISE COUNTY PARCEL Nos. 124-02-**
5 **010Z and 124-06-002.**

6 This order opens a case to determine rights to use water on the parcels listed above,
7 which the Cochise County Assessor has identified as owned by **Jared Madsen** and
8 **Gerald and Phyllis Nelson**. Any current landowner who intends to pursue any potential
9 water rights associated with this case must attend the initial status conference scheduled
10 for **Thursday, May 1, 2025, at 10:30 am**. Interested Parties **MUST** attend the scheduled
11 initial conference if they plan to pursue potential water rights. Failure to appear at the
12 initial conference could result in the dismissal of the case and the loss of water rights
13 associated with the property. The conference will be held virtually using the Court
14 Connect program. Instructions for Court Connect are attached as Attachment A.

15 16 **SUMMARY OF CASE**

17 Arizona Department of Water Resources (“ADWR”) records indicate that
18 Elizabeth Romney filed Statement of Claimant 39-4034 in 1980, claiming a water use on
19 Sections 5 and 8 of Township 17S, Range 19E. The filing of a Statement of Claimant
20 declares an individual’s intent to claim a water right and begins the process of pursuing
21 that water right with the Court.

22 ADWR investigated the claimed water use and issued Watershed File Report No.
23 112-16-008 in 1991. ADWR files regarding the investigation area for 112-16-008 do not
24 provide a clear map based upon the current parcel allocation.

25 **THEREFORE, IT IS ORDERED** that ADWR shall provide a map depicting the
26 investigation area for Watershed File Report No. 112-16-008 by **Monday, April 28, 2025**.

27
28 After the Watershed File Report was issued, the public was allowed an opportunity

1 to object to the findings in the report if they believed that there were errors or insufficient
2 documentation. This case will determine water rights existing on the parcels mentioned
3 above and resolve the objections to the Watershed File Report.

4 The Court recognizes that there has been a long delay between the filing of the
5 initial documents and the initiation of this case. Nonetheless, current landowners may still
6 obtain water rights. Below is a summary of the water use(s) found on the property at the
7 time of the Report:

8

Use	Associated SOC	Source	Place of Use
Stockpond	None	Surface Water	SWNWNE08 Township 17S, Range 19E

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10

11 ADWR public records do not contain any assignments of the Statements of
12 Claimant listed in the Watershed File Report nor do landowners appear to have filed any
13 additional Statements of Claimant since 1991.

14 If a property owner provides proof of the existence of a water right on their
15 property, the court can recognize an enforceable water right in a “Final Decree.” Ariz.
16 Rev. Stat. § 45-257(B). Landowners must present the following in order to acquire a water
17 right:

- 18 A. Earliest evidence of water use on their property.
- 19 B. An accurate Statement of Claimant in their name. Current landowners may
20 fulfill this requirement by either filing a new statement of claimant or
21 obtaining an assignment or amendment of a preexisting statement of claimant.
- 22 C. A basis of right accurately describing the claimed use, e.g. a statement of
23 claim, decree, stockpond registration, or water rights certificate.
- 24

25 **OBJECTING PARTIES**

26 Objectors to a potential water right must present the Court with a specific
27 statement objecting to specific potential water right attributes. Ariz. Rev. Stat. § 45-
28 256(B). The following entities have filed objections in this contested case: the Gila River

1 Indian Community, San Carlos Apache Tribe, Tonto Apache Tribe, and the Yavapai-
2 Apache Nation.

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

5 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>
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8 **ATTACHMENTS TO THIS ORDER:**
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10 Attachment A: Instructions on how to appear virtually or telephonically at the
11 **Thursday, May 1, 2025, at 10:30 am.** initial conference.

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

14 Attachment C: Copy of WFR No. 112-16-006.

15 Attachment D: Map showing relevant tax parcels and current ownership.

16 Attachment E: Initial Court Approved Mailing List

17 **IT IS ORDERED** initiating contested case W1-11-1540, *In re Elizabeth Muhlfeld*,
18 and scheduling an initial conference hearing for **Thursday, May 1, 2025, at 10:00 am.**

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

24 ***emily.natale@jbazmc.maricopa.gov.***
25

26 If parties have questions regarding this Order or any of the attachments, please
27 contact the Office of the Special Master, at (602) 372-4115. Please note that staff can only
28

1 answer administrative questions and cannot provide legal advice.

2
3 Signed this 26th day of March 2025.

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6 Sherri L. Zendri
7 Special Master
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11 On March 26, 2025, the original of
12 the foregoing was delivered to the Clerk of the
13 Maricopa County Superior Court for filing and
14 distributing a copy to all persons listed on the
15 Court-approved mailing list for this contested
16 case, a copy of which is attached, and to all persons
17 listed on the Court-approved mailing list for W1,
18 W2, W3, and W4.

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Emily Natale

ATTACHMENT A



Court Connect Hearing Notice for In re Elizabeth Muhlfeld

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 Elizabeth Muhlfeld

Contested Case No. W1-11-1540

Start Date/Time: Tuesday, April 29, 2025, at 11:00 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
MUHLFELD, ELIZABETH	112-16-008

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
36-0066720		STOCK	3.00	NWNE08	170S	190E	1930	NWNE08	170S	190E
39-0004034	QUE.RECD				05	170S 190E				
					08	170S 190E				

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
36-0066720	STOCK	STOCK		SPOO1
39-0004034				

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
SPOO1	SWNWNE08	170S	190E		SURFACE WATER	1979	EAST MUHLFELD TANK	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
SPOO1	NONE	36-0066720	1930 FILING 36-66720	SURFACE WATER: SAN PEDRO RIVER
NONE	39-0004034	NONE		

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
SPOO1	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 39-4034 - NO WATER USES, USE AMOUNTS, DIVERSION LOCATIONS, OR A DATE WERE CLAIMED. NO WATER USES COULD BE MATCHED TO THIS FILING.

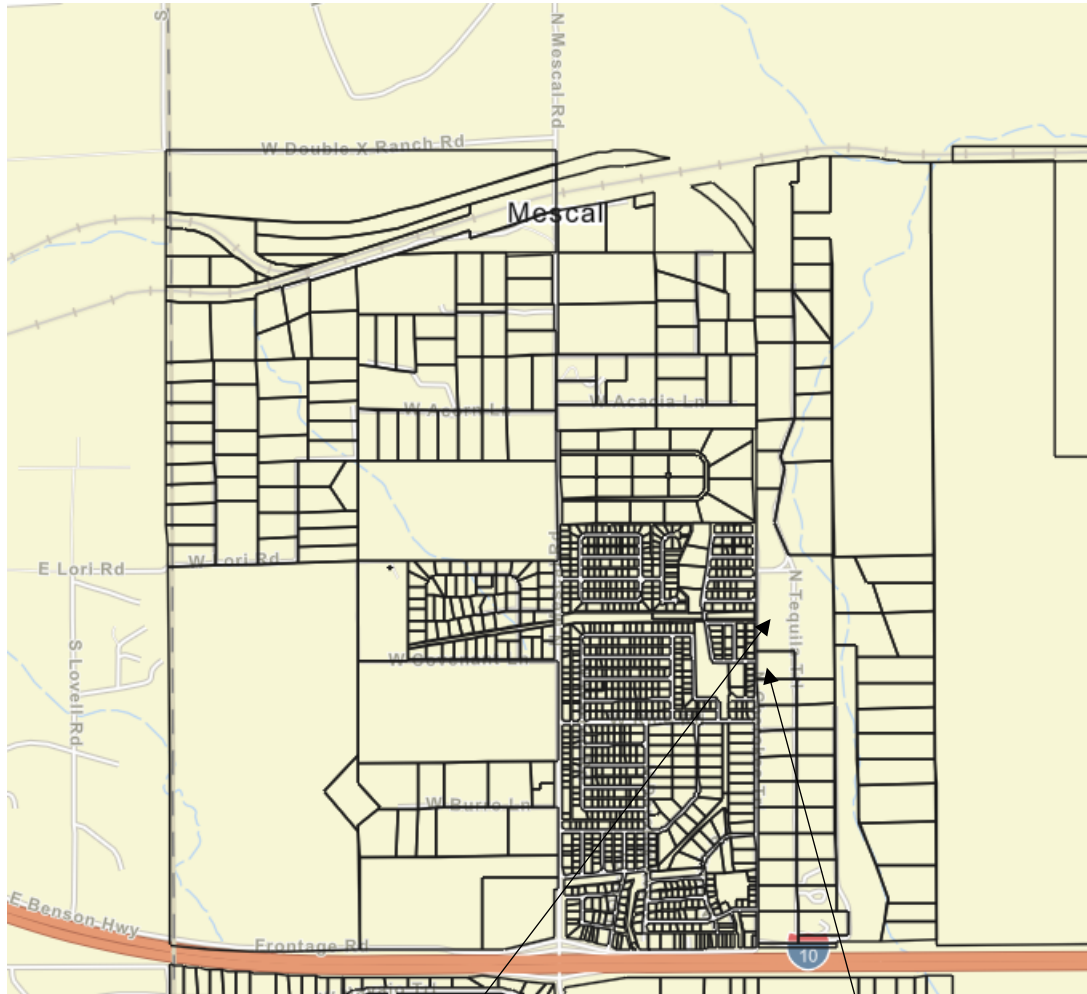
FILING 39-4034 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH REFLECTS INFORMATION PREVIOUSLY PROVIDED IN THE ORIGINAL STATEMENT OF CLAIMANT.

USES AND RESERVOIRS

SP1 - EAST MUHLFELD TANK STOCKPOND.

ATTACHMENT D

Map of Relevant Tax Parcels



124-02-010Z
Jared Madsen

124-06-002
Gerald and Phyllis Nelson

ATTACHMENT E

Initial Court-Approved Mailing List

Arizona Department of Water Resources Karen J. Nielsen 1110 West Washington, Suite 310 Phoenix, AZ 85007	Jeremiah Weiner, Brett J. Stavin, and Jay Lee Rosette, LLP. 120 S. Ash Avenue, Suite 201 Tempe, AZ 85281
Clerk of the Superior Court Maricopa County Attn: Water Case 601 West Jackson St. Phoenix, AZ 85003	Susan B. Montgomery, Robyn Interpreter, Montgomery & Interpreter PLC 3301 E Thunderbird Road Phoenix, AZ 85032
Special Master Sherri Zendri Superior Court of Arizona 201 W. Jefferson Street Courtroom 301 Phoenix, AZ 85003	Gila River Indian Community Javier Ramos and Michael Carter Office of the General Counsel P.O. Box 97 Sacaton, AZ 85147
Alexander B. Ritchie San Carlos Apache Tribe Office of the Attorney General PO Box 40 San Carlos, AZ 85550	Merrill C. Godfrey and Brette A. Pena Akin Gump Straus Hauer & Feld LLP 2001 K Street, N.W. Washington, DC 20006
Joe P. Sparks and Laurel A. Hermann The Sparks Law Firm, P.C. 7503 First Street Scottsdale, AZ 85251-4573	Jared Madsen 9475 N Calle El Milagro Tucson, AZ 85704 Gerald and Phyllis Nelson 516 N. Tequila Trail Benson, AZ 85602 Elizabeth Muhlfeld Romney 24 East 81 st St. New York, NY 10028