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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. **W1-11-1549**

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

16 CONTESTED CASE NAME: *In re Lillian A. Thompson*

17 HSR INVOLVED: San Pedro Hydrographic Survey.

18 DESCRIPTIVE SUMMARY: The Clerk of Maricopa County Superior Court is directed
19 to initiate W1-11-1549. Parties who wish to pursue this case are ordered to attend an initial
20 conference hearing scheduled for **Tuesday, March 25, 2025, at 10:30 am.**

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 **COCHISE COUNTY PARCEL No. 124-07-013A**
5 for potential water rights to be included in the catalog of water rights for the Gila River
6 system.

7 This court order opens a case to determine rights to use water on the parcel listed
8 above, that the Cochise County Assessor has identified as owned by **Hector Jaime Acuña**
9 **and Lisa Lynn Weeks**. Current landowners who intend to pursue any potential water
10 rights associated with this case must attend the initial status conference scheduled
11 **Tuesday, March 25, 2025, at 10:30 am**. Interested Parties **MUST** attend the scheduled
12 initial conference if they plan to pursue potential water rights. Failure to appear at the
13 initial conference could result in the dismissal of the case and the loss of water rights
14 associated with the property. The conference will be held virtually using the Court
15 Connect program. Instructions for Court Connect are attached as Attachment A.

16 17 **SUMMARY OF CASE**

18 Arizona Department of Water Resources (“ADWR”) records indicate that Donald
19 V. Mahanay filed Statement of Claimant 39-4071 in 1980, claiming water for domestic
20 use dating to 1973. The filing of a Statement of Claimant declares an individual’s intent
21 to claim a water right and begins the process of pursuing that water right with the Court.

22 ADWR investigated the claimed water use and issued Watershed File Report No.
23 112-16-019 in 1991. After the Watershed File Report was issued, the public was allowed
24 an opportunity to object to the findings in the report if they believed that there were errors
25 or insufficient documentation. This case will determine water rights existing on the
26 property associated with the relevant Watershed File Report and resolve the objections to
27 the Watershed File Report.

28 The Court recognizes that there has been a long delay between the filing of the

1 initial documents and the initiation of this case. Because of this delay, the property has
2 changed ownership and may have been subdivided. Nonetheless, current landowners may
3 still obtain water rights. Below is a summary of the water uses found on the property at
4 the time of the Report:

Use	Associated SOC	Source	Place of Use
Domestic	39-4071	Groundwater	SWNESE09 Township 17S, Range 19E
Stockpond	None	San Pedro River	SWNESE09 Township 17S, Range 19E

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

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

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

25 26 **OBJECTING PARTIES**

27 Objectors to a potential water right must present the Court with a specific
28 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">• WFR does not show a Statement of Claimant matched to the groundwater use that ADWR found.• Stockpond lacks basis of right.• Impoundment of water interferes with federal and tribal rights.• Places of use and points of diversion stated in Statements of Claimant and pre-adjudication filings are inconsistent.• Certain claimed uses were not found by ADWR.

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 25, 2025**, initial conference.

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

Attachment C: Copy of WFR No. 112-16-019.

Attachment D: ADWR map showing land investigated in WFR No. 112-16-019.

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

Attachment F: Initial Court Approved Mailing List

IT IS ORDERED initiating contested case W1-11-1549, *In re Lillian A. Thomspen*, and scheduling an initial conference hearing for **Tuesday, March 25, 2025, at 10:30 am**. 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 served on all parties

1 listed on the Court-Approved Mailing List. The list may be modified only by Court order.
2 Anyone who would like to receive courtesy copies of minute entries and orders may
3 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 11th day of February 2025.

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12 Sherri L. Zendri
13 Special Water Master
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17 On February 11, 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.

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Emily Natale

ATTACHMENT A



Court Connect Hearing Notice for In re Lillian A. Thompson

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 Lillian A. Thompson

Contested Case No. W1-11-1549

Start Date/Time: Tuesday, March 25, 2025, at 10:30 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
THOMPSON, LILLIAN A.	112-16-019

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
36-0064484		DOMESTIC STOCK	2.24	SENW09	170S	190E	1973	SENW09	170S	190E
36-0064485		IRRIGATION STOCK	1.54	SENW09	170S	190E	1972	SENW09	170S	190E
39-0004071		DOMESTIC	1.12	SENWSE09	170S	190E	1973	SENWSE09	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
36-0064484	DOMESTIC STOCK	DOMESTIC INCIDENTAL		D0001
36-0064485	IRRIGATION STOCK	NONE STOCK		S0001
39-0004071	DOMESTIC	DOMESTIC		D0001

U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE FACILITY NAME
D0001	SWNESE09	170S	190E		GROUNDWATER : CATALOGUED		NO

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
S0001	SWNESE09	170S	190E		SURFACE WATER	1979	UNNAMED	STOCKWATERING

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE*	WATER SOURCES AND CLASSIFICATIONS
D0001	39-0004071	36-0064484		GROUNDWATER : CATALOGUED
S0001	NONE	36-0064485	1972 FILING 36-64485	SURFACE WATER: 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
D0001							SEE VOLUME 1 - GENERAL ASSESSMENT
S0001	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 36-64485 - CLAIMS IRRIGATION AND STOCKWATERING USES. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATION.

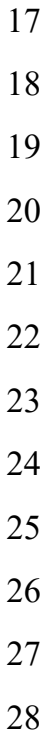
USES AND RESERVOIRS
DM1 - DOMESTIC USE.
SP1 - UNNAMED STOCKPOND.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

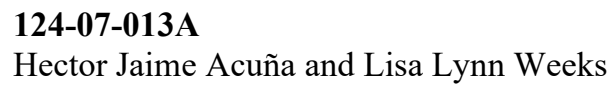
A COMMENT WAS RECEIVED WHICH INDICATED THAT A PARCEL SPLIT AND OWNERSHIP CHANGE HAD OCCURRED.

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ADWR Map of Area Investigated



Cochise County Assessor Map



ATTACHMENT F

Initial Court-Approved Mailing List

Arizona Department of Water Resources	Jeremiah Weiner, Brett J. Stavin, and
Karen J. Nielsen	Jay Lee
1110 West Washington, Suite 310	Rosette, LLP.
Phoenix, AZ 85007	120 S. Ash Avenue, Suite 201
	Tempe, AZ 85281
Clerk of the Superior Court	
Maricopa County	Susan B. Montgomery, Robyn Interpreter,
Attn: Water Case	Montgomery & Interpreter PLC
601 West Jackson St.	3301 E Thunderbird Road
Phoenix, AZ 85003	Phoenix, AZ 85032
Special Master Sherri Zendri	Gila River Indian Community
Superior Court of Arizona	Javier Ramos and Michael Carter
201 W. Jefferson Street	Office of the General Counsel
Courtroom 301	P.O. Box 97
Phoenix, AZ 85003	Sacaton, AZ 85147
Alexander B. Ritchie	Merrill C. Godfrey and Brette A. Pena
San Carlos Apache Tribe	Akin Gump Straus Hauer & Feld LLP
Office of the Attorney General	2001 K Street, N.W.
PO Box 40	Washington, DC 20006
San Carlos, AZ 85550	
	Donald V. Mahanay
	Route 2 Box 564A
Joe P. Sparks and Laurel A. Hermann	Sierra Vista, AZ 85635
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7503 First Street	Hector Jaime Acuña &
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	Benson, AZ 85602-7824