

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. **W1-11-1698**

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

16 **CONTESTED CASE NAME:** *In re A.E.R. Corporation*

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

18 **DESCRIPTIVE SUMMARY:** The Clerk of Maricopa County Superior Court is directed
19 to initiate W1-11-1698. Parties who wish to pursue this case are ordered to attend an initial
20 conference hearing scheduled for **Tuesday, March 25, 11:00 am.**

21 **NUMBER OF PAGES:** 15

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 the parcels shown on Attachment A, with parcel
5 listed on Attachment on B, for potential water rights to be included in the catalog of water
6 rights for the Gila River system.

7 This court order opens a case to determine rights to use water on the parcels listed
8 on Attachment A. Current landowners who intend to pursue any potential water rights
9 associated with this case must attend the initial status conference scheduled for **Tuesday,**
10 **March 25, 11:00 am.** Interested Parties MUST attend the scheduled initial conference if
11 they plan to pursue potential water rights. Failure to appear at the initial conference could
12 result in the dismissal of the case and the loss of water rights associated with the property.
13 The conference will be held virtually using the Court Connect program. Instructions for
14 Court Connect are attached as Attachment A.

15 16 **SUMMARY OF CASE**

17 Arizona Department of Water Resources (“ADWR”) records indicate that W.
18 Taylor Meeks Jr. and Doris Ann Meeks filed Statement of Claimant 39-1177 and A.E.R.
19 Corporation filed Statements of Claimant 39-2036, 39-2037, and 39-2038 in 1979. These
20 Statements of Claimant claimed water for irrigation, domestic, stock watering, and
21 wildlife uses dating to 1880 at the earliest. The filing of a Statement of Claimant declares
22 an individual’s intent to claim a water right and begins the process of pursuing that water
23 right with the Court.

24 ADWR investigated the claimed water uses and issued Watershed File Report No.
25 112-17-AC-005 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:

7

Use	Associated SOC's	Source	Place of Use
Domestic	39-1177, 39-2036, 39-2037, 39-2038	Groundwater	NENWNE36 Township 17S, Range 20E

8
9

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

18 A. Earliest evidence of water use on their property.

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

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

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

26
27 **OBJECTING PARTIES**

28 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">• WFR does not identify a point of diversion and diversion rate.• WFR does not report an apparent date of first use.• The WFR does not assign a quantity of use to the use identified.
Gila River Indian Community, San Carlos Apache Tribe, Yavapai-Apache Nation (collectively “the Tribes”)	<ul style="list-style-type: none">• The claimed use interferes with federal and tribal rights.• The WFR does not show a well registration.• The WFR does not show a claimed water use rate.• Some statements of claimant and pre-adjudication filings are inconsistent.
United States, joined by the Tribes	<ul style="list-style-type: none">• The claimed use interferes with federal and tribal rights.• WFR descriptions of claimed places of use and points of diversion are too general.• Statements of claim are missing quantities.• A claimed place of use is inconsistent with the actual place of use.

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 C: Instructions on how to appear virtually or telephonically at the **March 25, 2025**, initial conference.

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

Attachment E: Copy of WFR No. 112-17-AC-005.

Attachment F: ADWR map showing land investigated in WFR No. 112-17-AC-005.

1 Attachment A: Map showing the relevant tax parcels

2 Attachment B: List of relevant tax parcel numbers and current ownership.

3 Attachment G: Initial Court Approved Mailing List

4
5 **IT IS ORDERED** initiating contested case W1-11-1698, *In re A.E.R. Corporation*,
6 and scheduling an initial conference hearing for **Tuesday, March 25, 2025, at 11:00 am.**

7 The initial Court-approved mailing list for this case shall include all parties listed on
8 Attachment E to this order. Any document filed in this case must be served on all parties
9 listed on the Court-Approved Mailing List. The list may be modified only by Court order.

10 Anyone who would like to receive courtesy copies of minute entries and orders may
11 request inclusion on an email list by sending a request to:

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

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

16 Signed this 10th day of February 2025.

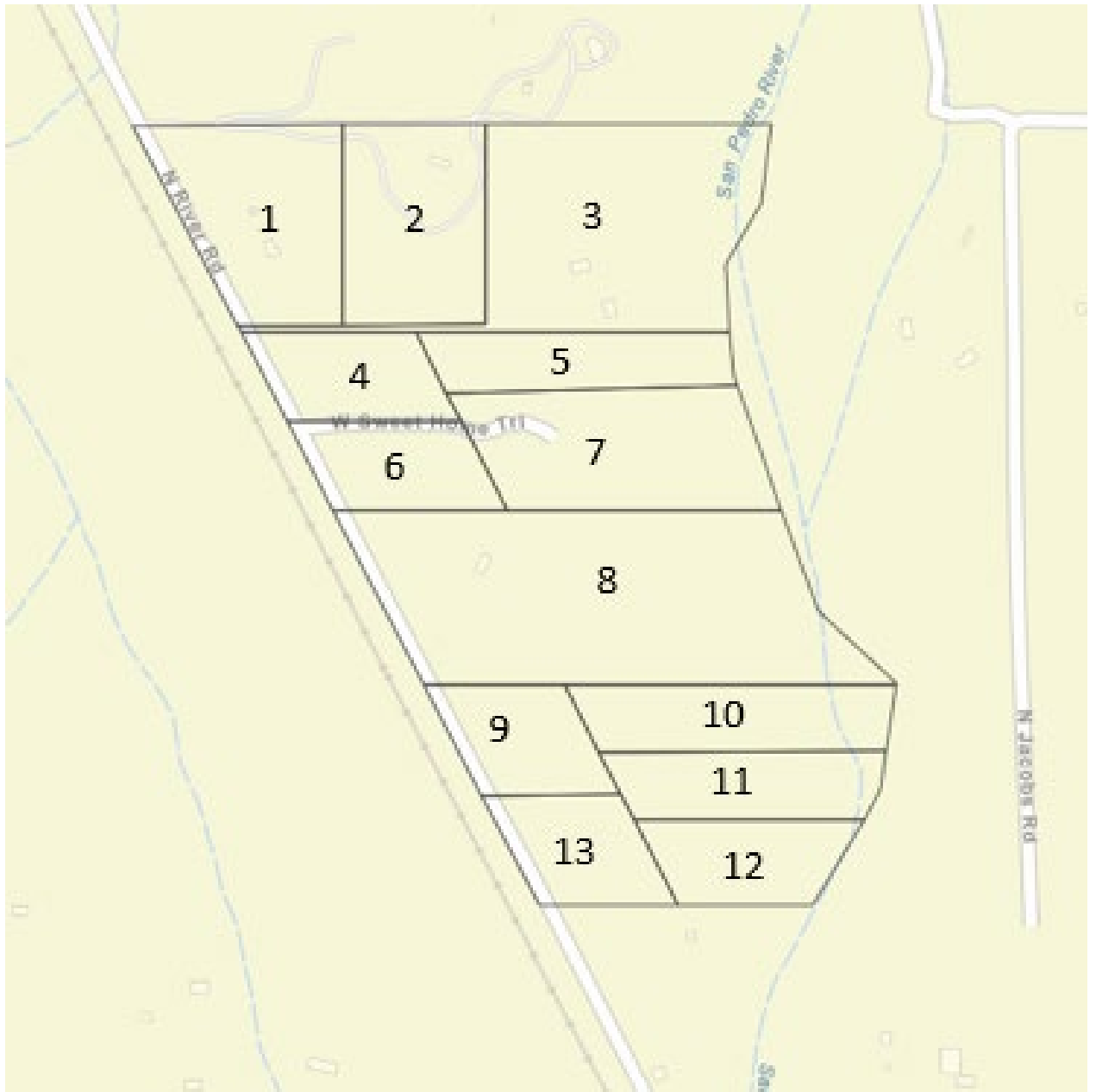
17
18
19
20 Sherri L. Zendri
21 Special Water Master

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

Emily Natale

ATTACHMENT A

Map Depicting Cochise County Parcels and Subflow Zone



ATTACHMENT B

List of Cochise County Parcel numbers and Landowners

#	Parcel	Landowner(s)
1	12424014G	Kenneth A & Karen L Hansen
2	12424014H	Audrey Jeanne Frederick
3	12424014E	Kenneth A & Karen L Hansen
4	12424014N	Nathan Jacobsen & Heather Hart
5	12424014M	Adam & Amanda Malboeuf
6	12424014P	Douglas F & Tina M Hicks
7	12424014S	Dane L & Sherry K Ortner
8	12424015B	Justin Chastain
9	12424015C	Cory & Jaime Richins
10	12424015G	Nicholas Gianas
11	12424015F	Angela D & Jeffrey L Johnson
12	12424015E	Jack D & Amy J Lloyd
13	12424015D	Natalie Judd

ATTACHMENT C



Court Connect Hearing Notice for In re A.E.R. Corporation

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 A.E.R. Corporation

Contested Case No. W1-11-1698

Start Date/Time: Tuesday, March 25, 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 D

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 E
Watershed File Report

AS OF 10/11/91

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
A.E.R. CORPORATION	U 112-17-AC-005
PHOTO ID - 176-35-D	QUAD 1 - BENSON

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
36-0028575		IRRIGATION DOMESTIC STOCK REC/FISH/WLDLF	93.60	SENE36	170S	200E	1880	SENE36	170S	200E
36-0028576		IRRIGATION DOMESTIC STOCK REC/FISH/WLDLF	108.72	NENE36	170S	200E	1880	NENE36	170S	200E
39-0001177		IRRIGATION DOMESTIC STOCK REC/FISH/WLDLF	.45 .08 .50 .50	25 26	170S	200E	1880	25 26	170S	200E
39-0002036		IRRIGATION DOMESTIC STOCK REC/FISH/WLDLF	90.00 1.60 1.50 1.00	SWSENE36	170S	200E	1880	SWSENE36	170S	200E
39-0002037		IRRIGATION DOMESTIC STOCK REC/FISH/WLDLF	105.00 1.60 1.60 1.00	SWNENE36	170S	200E	1880	SWNENE36	170S	200E
39-0002038		IRRIGATION DOMESTIC STOCK	100.00 1.60 1.60	NWNWNE36	170S	200E	1979	NWNWNE36	170S	200E

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
36-0028575	IRRIGATION DOMESTIC STOCK WILDLIFE	NONE DOMESTIC INCIDENTAL INCIDENTAL		DM001
36-0028576	IRRIGATION DOMESTIC STOCK WILDLIFE	NONE DOMESTIC INCIDENTAL INCIDENTAL		DM001
39-0001177	IRRIGATION DOMESTIC STOCK RECREATION	NONE DOMESTIC INCIDENTAL INCIDENTAL		DM001
39-0002036	IRRIGATION DOMESTIC STOCK RECREATION	NONE DOMESTIC INCIDENTAL INCIDENTAL		DM001
39-0002037	IRRIGATION DOMESTIC STOCK RECREATION	NONE DOMESTIC INCIDENTAL INCIDENTAL		DM001
39-0002038	IRRIGATION DOMESTIC STOCK	NONE DOMESTIC INCIDENTAL		DM001

U S E S

112-17-AC-005

PWR #	LOCATION SECTION TWP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DM001	NENWNE36 170S 200E		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
DM001	39-0001177 39-0002036 39-0002037 39-0002038	36-0028575 36-0028576		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
DM001							SEE VOLUME 1 - GENERAL ASSESSMENT

E X P L A N A T I O N

FILINGS AND DECREES

FILINGS 36-28575, 36-28576, 39-1177, 39-2036 & 39-2037 - CLAIM IRRIGATION, DOMESTIC, STOCKWATERING, RECREATION, AND WILDLIFE WATER USES. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATIONS.

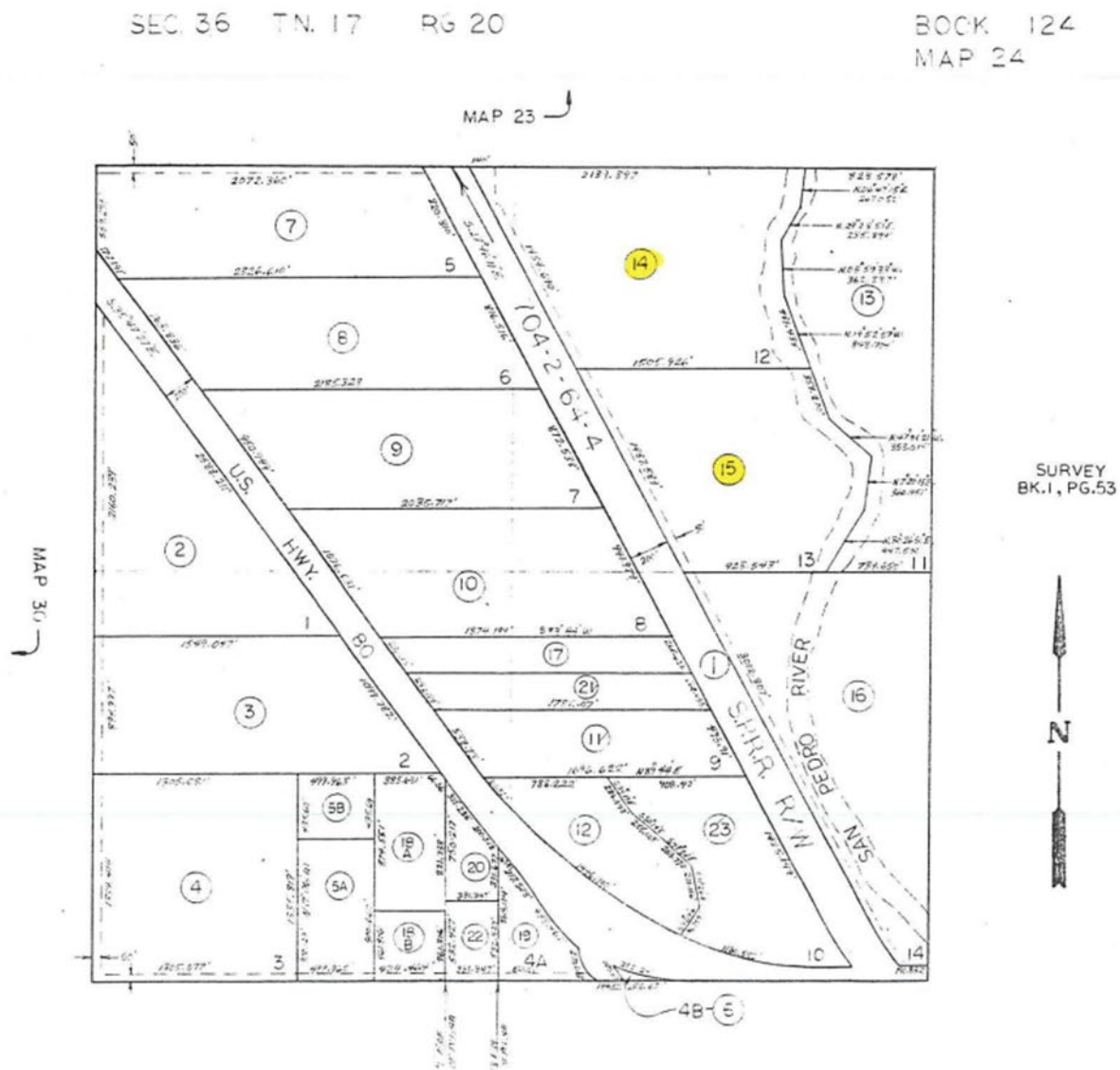
FILING 39-2038 - CLAIMS IRRIGATION, DOMESTIC, AND STOCKWATERING USES. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATION.

USES AND RESERVOIRS

DM1 - DOMESTIC WATER USE INCLUDES STOCKWATERING, RECREATION, AND WILDLIFE USES.

ATTACHMENT F

ADWR Map of Area Investigated



ATTACHMENT G

Initial Court-Approved Mailing List

Arizona Department of Water Resources
Karen J. Nielsen
1110 West Washington, Suite 310
Phoenix, AZ 85007

Gila River Indian Community
Javier Ramos and Michael Carter
Office of the General Counsel
P.O. Box 97
Sacaton, AZ 85147

Clerk of the Superior Court
Maricopa County
Attn: Water Case
601 West Jackson St.
Phoenix, AZ 85003

Merrill C. Godfrey and Brette A. Pena
Akin Gump Straus Hauer & Feld LLP
2001 K Street, N.W.
Washington, DC 20006

Special Master Sherri Zendri
Superior Court of Arizona
201 W. Jefferson Street
Courtroom 301
Phoenix, AZ 85003

J. B. Weldon, M. A. McGinnis, M. K. Foy
Salmon, Lewis & Weldon
2850 E. Camelback Rd. Suite 200 Phoenix,
AZ 85016

Alexander B. Ritchie
San Carlos Apache Tribe
Office of the Attorney General
PO Box 40
San Carlos, AZ 85550

Kenneth A & Karen L Hansen
PO Box 142
St David, AZ 85630

Laura Boyer & Maggie Woodward
United States Dept. of Justice – ENRD
P.O. Box 7611, Ben Franklin Station
Washington, DC 20044

Audrey Jeanne Frederick
PO Box 632
Benson, AZ 85602

Joe P. Sparks and Laurel A. Hermann
The Sparks Law Firm, P.C.
7503 First Street
Scottsdale, AZ 85251-4573

Adam & Amanda Malboeuf
PO Box 187
Benson, AZ 85602-0187

Jeremiah Weiner, Brett J. Stavin, and
Jay Lee
Rosette, LLP.
120 S. Ash Avenue, Suite 201
Tempe, AZ 85281

Nathan Jacobsen & Heather Hart
1454 W Sweet Home Trl
Saint David, AZ 85630-0015

Dane L & Sherry K Ortnier
PO Box 355
Saint David, AZ 85630-0355

Susan B. Montgomery, Robyn Interpreter,
Montgomery & Interpreter PLC
3301 E Thunderbird Road
Phoenix, AZ 85032

Justin Chastain
533 N River Rd
Saint David, AZ 85630-6334

Cory & Jaime Richins
1388 W Quinn Rd
St David, AZ 85630

1 Angela D & Jeffrey L Johnson
2 1336 W Quinn Rd
3 Saint David, AZ 85630

Nicholas Gianas
PO Box 581
Saint David, AZ 85630-0581

3 Jack D & Amy J Lloyd
4 PO Box 25
5 Saint David, AZ 85630-0025

Douglas F & Tina M Hicks
1461 Sweet Home Trl
Saint David, AZ 85630

5 Natalie Judd
6 1383 W Quinn Rd
7 Saint David, AZ 85630

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28