

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

7/17/2025

CLERK OF THE COURT  
S. Ortega  
Deputy

SPECIAL WATER MASTER  
SHERRI ZENDRI

In Re: *Benny H. and Frances Clark*  
Contested Case No. W1-11-2395

FILED: 7/23/2025

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 Status Conference

**MINUTE ENTRY**

Central Court Building – Courtroom 301

11:30 a.m. This is the time set for a virtual **Initial Status Conference** before Special Water Master Sherri Zendri to determine if the landowners are interested in pursuing potential water rights.

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

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

- Landowners Robert Carl Clark and his wife, Alicia F. Clark (Robert Clark is the son of Benny H. and Frances Clark, deceased)
- Alexa Penalosa and Laura Boyer for the United States
- Katrina Wilkinson for the Salt River Project (SRP)
- Joe Sparks and Jana Sutton for the San Carlos Apache Tribe
- John Burnside for BHP Copper
- Rhett Billingsley for ASARCO LLC
- Garrett Perkins observing for the St. David Irrigation District
- Alexandra Corcoran Shannon observing on behalf of Sue Montgomery for the Yavapai Apache Nation and for the Pasqua Yaqui Tribe
- Brette Pena for Gila River Indian Community

- Denise Riden observing for Cochise County
- Kevin Crestin observing for the Arizona State Land Department
- Rosemary Avila for the Tonto Apache Tribe
- Katya L. Norris for the Navajo Nation

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

The Court provides the purpose and background for these proceedings to the Clarks.

Mr. Clark states that he has two wells; an irrigation well and a domestic well. A third property adjacent to the two 40-acre parcels also has a well on it. He confirms that all three wells are registered with the Arizona Department of Water Resources. The adjacent parcel is north of his property.

The Court further explains to Mr. Clark what needs to happen to establish a water right and recommends that Mr. Clark contact the Arizona Department of Water Resources (“ADWR”) to review the Statement of Claim. The Court will provide additional information and guidance regarding next steps as a “LATER” to this Minute Entry.

For the reasons stated on the record,

**IT IS ORDERED** setting a virtual/telephonic **Status Conference** to discuss updates and how to further proceed on **Thursday, October 16, 2025 at 10:00 a.m.** in this division before Special Water Master Sherri Zendri. The status conference will be held using the Court Connect program. Instructions for Court Connect are attached as Attachment A. If you receive this Order by email, click on the red box “Join Court Connect Hearing” on the attached instructions to make an appearance. If you do not receive this Order by email, log into the Court Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend telephonically using the telephone number and access code included in the instructions for Court Connect.

No objections or concerns are stated on the record.

11:51 a.m. Matter concludes.

## **LATER**

To pursue water rights, Mr. Clark must 1) file a Statement of Claimant, and 2) present to the Court evidence of a legal right to the water claimed on the Statement of Claimant, this is often referred to as a Basis of Right. If Mr. Clark proves to the Court the existence of a legal water right on his property, the Court can recognize enforceable

water rights in a “Final Decree.” ARS § 45-257(B). In Arizona, water subject to the General Adjudication includes surface water and certain subsurface water referred to as “subflow.” Subflow is underground water that is hydraulically connected to a stream and is considered part of the surface stream. Wells pumping subflow are subject to the same rules of appropriation as the surface stream itself. Development of the subflow zone for any particular Arizona river system is a multiple year endeavor completed by the Arizona Department of Water Resources (ADWR) with cooperation from the Arizona Geological Survey. The April 2014 Revised Subflow Delineation for the San Pedro River, as well as documents prepared by the ADWR as part of the November 1991 Hydrographic Survey Report (“HSR”) and can be found on the ADWR website at:

<https://www.azwater.gov/adjudications>

**IT IS ORDERED** that Mr. Clark will contact the Arizona Department of Water Resources:

Lizette Fuentes 602-771-8472 or [socadmin@azwater.gov](mailto:socadmin@azwater.gov)

to set up a meeting. **This meeting must occur no later than October 10, 2025**, and will help Mr. Clark review her Statements of Claimant and update where necessary and provide guidance to Mr. Clark regarding the appropriate forms to apply for legal authorization to use water, also known as the “basis of right,” is presented to the Court.

#### **Additional Contact Information for ADWR**

- Statements of claimant application and processing - 1-866-246-1414
  - Email: [smitchell@azwater.gov](mailto:smitchell@azwater.gov)
  - website: <https://www.azwater.gov/adjudications>
- Groundwater Well Registration – (602) 771-8527
  - Email: [wells@azwater.gov](mailto:wells@azwater.gov)
  - website: <https://www.azwater.gov/permitting-wells>
- Surface Water Permitting (Basis of Rights) – (602) 771-8621
  - Email: [surfacewater@azwater.gov](mailto:surfacewater@azwater.gov)
  - website: <https://www.azwater.gov/surface-water/surface-water-overview>

#### **University of Arizona - Arizona Adjudications Project**

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](mailto:law-azadjudicationsproject@arizona.edu).

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

### **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 may not accurately list current landowners and water uses. To update an SOC, Mr. Clark may make an SOC amendment, obtain a SOC assignment from the original claimant, or file a new SOC for the 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>

### **Basis of Right**

To obtain a water right, Mr. Clark must also provide a "basis of right." To begin this process, Mr. Clark must file a document 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 Mr. Clark proves that the water right claimed was initiated prior to June 12, 1919, he does need to file an "application for a permit to appropriate," but must present a statement of claim registering their claimed water right. See Ariz. Rev. Stat. §§ 45-171, 45-182(A). ***Note that a statement of claim is a different document than a statement of claimant.***

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.

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>.

### **Objections to Potential Water Rights Claims**

Objections for this contested case were filed when ADWR published its findings. Claimants are encouraged to review these objections when filing pre-adjudication documents as some objections may be resolved simply by providing additional information. 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/W1-11-2395Objections.pdf>

**IT IS FURTHER ORDERED** removing BennyE. Clark from the Court Approved Mailing List. A copy of the current Court Approved Mailing List is Attached.

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

## Attachment A



### **Court Connect Hearing Notice for In re Benny H. and Frances Clark**

*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 video conference 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 Benny H. and Frances Clark

**Contested Case No.** W1-11-2395

**Start Date/Time:** Thursday, October 16, 2025 at 10:00 a.m.

**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](#)*

Court Approved Mailing List  
In re Benny H. and Frances Clark  
W1-11-2395 (15 Names)  
Prepared by the Special Master  
7/23/2025

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**Removed 7/23/25**

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