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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. **W1-11-2395**

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

16 CONTESTED CASE NAME: *In re Benny H. and Frances Clark*

17 HSR INVOLVED: San Pedro Hydrographic Survey.

18 DESCRIPTIVE SUMMARY: The Clerk of the Maricopa County Superior Court is
19 directed to initiate W1-11-2395. Parties who wish to pursue this case are ordered to attend
20 an initial conference scheduled for **Thursday, July 17, 2025, at 11:30 a.m.**

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 to 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 process, the “general
2 stream adjudication,” is currently evaluating **PINAL COUNTY PARCEL Nos. 306-33-
3 007 and 306-07-011** for potential water rights.

4 This court order opens a case to determine rights to use water on the parcels listed
5 above, that the Pinal County Assessor has identified as owned by **Benjamin, Phillip, and
6 Robert C. Clark**. Current landowners who intend to pursue any potential water rights
7 associated with this case must attend the initial status conference scheduled for **Thursday,
8 July 17, 2025, at 11:30 a.m.** Interested Parties **MUST** attend the scheduled initial
9 conference if they plan to pursue potential water rights. Failure to appear at the initial
10 conference could result in the dismissal of the case and the loss of water rights associated
11 with the property. The conference will be held virtually using the Court Connect program.
12 Instructions for Court Connect are attached as Attachment A.

13 14 **SUMMARY OF CASE**

15 Arizona Department of Water Resources (“ADWR”) records indicate that Benny
16 E. Clark filed Statement of Claimant 39-2582 on December 17, 1979, claiming water for
17 irrigation and domestic uses dating to 1862. The filing of a Statement of Claimant declares
18 an individual’s intent to claim a water right and begins the process of pursuing that water
19 right with the Court.

20 ADWR investigated the claimed water uses and issued Watershed File Report No.
21 113-04-DCD-003 in 1991. After the Watershed File Report was issued, the public was
22 allowed an opportunity to object to the findings in the report if they believed that there
23 were errors or insufficient documentation. This case will determine water rights existing
24 on the property associated with the relevant Watershed File Report and resolve the
25 objections to the Watershed File Report.

26 The Court recognizes that there has been a long delay between the filing of the
27 initial documents and the initiation of this case. Because of this delay, the property may
28 have changed ownership or may have been subdivided. Nonetheless, current landowners

may still obtain water rights. Below is a summary of the water uses found on the property at the time of the Report:

Use	Associated SOC(s)	Source	Place of Use
Domestic	39-2582	Groundwater	NWSWSW17 T8S, R17E
Irrigation	39-2582	Groundwater	SESE18 T8S, R17E
Irrigation	39-2582	Groundwater	SWSW17 T8S, R17E

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

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

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

OBJECTING PARTIES

Objectors to a water right claim must present the Court with a specific statement objecting to specific claimed attributes. Ariz. Rev. Stat. § 45-256(B). The following entities have filed objections in this contested case: the Gila River Indian Community, San Carlos Apache Tribe, Yavapai-Apache Nation (collectively “the Tribes”); the

1 United States, joined by the Tribes; Magma Copper Co. (currently BHP Copper) and
2 ASARCO Inc.; and Salt River Project.

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>
6
7

8 **ATTACHMENTS TO THIS ORDER:**
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10 Attachment A: Instructions on how to appear virtually or telephonically at the
11 **Thursday, July 17, 2025, at 11:30 a.m.** 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. 113-04-DCD-003.

15 Attachment D: ADWR map showing land investigated in WFR No. 113-04-DCD-
16 003.

17 Attachment E: Map showing the relevant tax parcels.

18 Attachment F: Initial Court Approved Mailing List
19

20 **IT IS ORDERED** initiating contested case W1-11-2395, *In re Benny H. and Frances*
21 *Clark*, and scheduling an initial conference for **Thursday, July 17, 2025, at 11:30 a.m.**

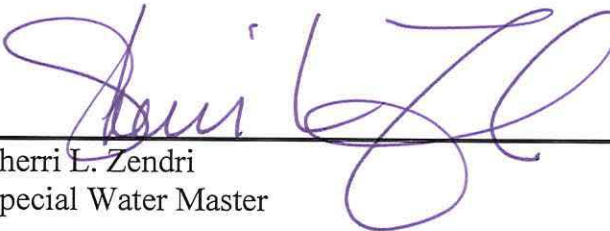
22 The initial Court-approved mailing list for this case shall include all parties listed on
23 Attachment F to this order. Any document filed in this case must be served on all parties
24 listed on the Court-Approved Mailing List. The list may be modified only by court order.
25 Anyone who would like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

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

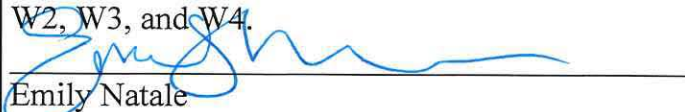
28 If parties have questions regarding this Order or any of the attachments, please

1 contact the Office of the Special Water Master, at (602) 372-4115. Please note that staff
2 can only answer administrative questions and cannot provide legal advice.

3
4 Signed this 4th day of June 2025.

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8 Sherri L. Zendri
9 Special Water Master

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12 On June 4, 2025, the original of
13 the foregoing was delivered to the Clerk of the
14 Maricopa County Superior Court for filing and
15 distributing a copy to all persons listed on the
16 Court-approved mailing list for this contested
17 case, a copy of which is attached, and to all persons
18 listed on the Court-approved mailing list for W1,
19 W2, W3, and W4.

20
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22 
23 Emily Natale

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 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 Benny H. and Frances Clark

Contested Case No. W1-11-2395

Start Date/Time: Thursday, July 17, 2025, at 11:30 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](#)

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

AS OF 11/06/91

LAND OWNER	WATERSHED FILE REPORT NUMBER
CLARK, BENNY H. & FRANCES	113-04-DCD-003
PHOTO ID - 22-7 (87)	QUAD 1 - MAMMOTH

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 TWP RGE	CLAIM DATE	DIVERSION LOCATION SECTION TWP RGE
39-0002582		IRRIGATION DOMESTIC	12975.24 .61	SE17 080S 170E	1862	SWSWSE17 080S 170E

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
39-0002582	IRRIGATION DOMESTIC	IRRIGATION DOMESTIC	W01, W02	DM001, IR001, IR002 IR003, IR004, IR005 IR006

D I V E R S I O N S

DIV #	LOCATION SECTION TWP RGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W01	SESW17 080S 170E	UNNAMED	GROUNDWATER : ZONE 2
W02	NWSW17 080S 170E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

U S E S

PWR #	LOCATION SECTION TWP RGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DM001	NWSW17 080S 170E	W02	GROUNDWATER : ZONE 1		NO	
IR001	SESE18 080S 170E	W01	GROUNDWATER : ZONE 2	1935	NO	
	SWSW17 080S 170E					
IR002	SESE18 080S 170E	W01	GROUNDWATER : ZONE 2	1945	NO	
	SWSW17 080S 170E					
IR003	SWSW17 080S 170E	W01	GROUNDWATER : ZONE 2	1947	NO	
IR004	SESE18 080S 170E	W01	GROUNDWATER : ZONE 2	1955	NO	
	SWSW17 080S 170E					
IR005	SESE18 080S 170E	W01	GROUNDWATER : ZONE 2	1969	NO	
	SWSW17 080S 170E					
IR006	SESE18 080S 170E	W01	GROUNDWATER : ZONE 2	1978	NO	

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
DM001	39-0002582	NONE		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR001	39-0002582	NONE	1921 1921 STATE SURVEY	GROUNDWATER : ZONE 2
IR002	39-0002582	NONE	1945 1945 AERIAL PHOTO	GROUNDWATER : ZONE 2
IR003	39-0002582	NONE	1947 1947 AERIAL PHOTO	GROUNDWATER : ZONE 2
IR004	39-0002582	NONE	1955 1955 AERIAL PHOTO	GROUNDWATER : ZONE 2
IR005	39-0002582	NONE	1969 1969 AERIAL PHOTO	GROUNDWATER : ZONE 2
IR006	39-0002582	NONE	1978 1978 AERIAL PHOTO	GROUNDWATER : ZONE 2

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							
IR001	MAX. OBSERVED REGIONAL	12.9 12.9	DBL. CROPPED AVE. CROP	45% 50%	4.3 AF/AC 5.4 AF/AC	55.5 AFA 69.7 AFA	SEE VOLUME 1 - GENERAL ASSESSMENT DEFICIT IRRIGATION

Q U A N T I T I E S O F U S E (CONTINUED)

113-04-DCD-003

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
IR001	MAX. POTENTIAL	12.9	ALFALFA	45%	7.4 AF/AC	95.5 AFA	
IR002	MAX. OBSERVED	3.5	DBL.CROPPED	45%	4.3 AF/AC	15.1 AFA	DEFICIT IRRIGATION
	REGIONAL	3.5	AVE. CROP	50%	5.4 AF/AC	18.9 AFA	
	MAX. POTENTIAL	3.5	ALFALFA	45%	7.4 AF/AC	25.9 AFA	
IR003	MAX. OBSERVED	9.8	FALL GRAINS	45%	1.5 AF/AC	14.7 AFA	
	REGIONAL	9.8	AVE. CROP	50%	5.4 AF/AC	52.9 AFA	
	MAX. POTENTIAL	9.8	ALFALFA	45%	7.4 AF/AC	72.5 AFA	
IR004	MAX. OBSERVED	12.5	FALL GRAINS	45%	1.5 AF/AC	18.8 AFA	
	REGIONAL	12.5	AVE. CROP	50%	5.4 AF/AC	67.5 AFA	
	MAX. POTENTIAL	12.5	ALFALFA	45%	7.4 AF/AC	92.5 AFA	
IR005	MAX. OBSERVED	5.7	FALL GRAINS	45%	1.5 AF/AC	8.6 AFA	
	REGIONAL	5.7	AVE. CROP	50%	5.4 AF/AC	30.8 AFA	
	MAX. POTENTIAL	5.7	ALFALFA	45%	7.4 AF/AC	42.2 AFA	
IR006	MAX. OBSERVED	2.8	FALL GRAINS	45%	1.5 AF/AC	4.2 AFA	
	REGIONAL	2.8	AVE. CROP	50%	5.4 AF/AC	15.1 AFA	
	MAX. POTENTIAL	2.8	ALFALFA	45%	7.4 AF/AC	20.7 AFA	

E X P L A N A T I O N

FILINGS AND DECREES

FILING 39-2582 - CLAIMS A DOMESTIC WATER USE SUPPLIED BY WELL W1. WELL W1 DOES NOT PROVIDE WATER FOR DOMESTIC USES.

DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION, STOCKWATERING, AND WILDLIFE USES
W2 - WELL PROVIDES WATER FOR DOMESTIC USES.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.

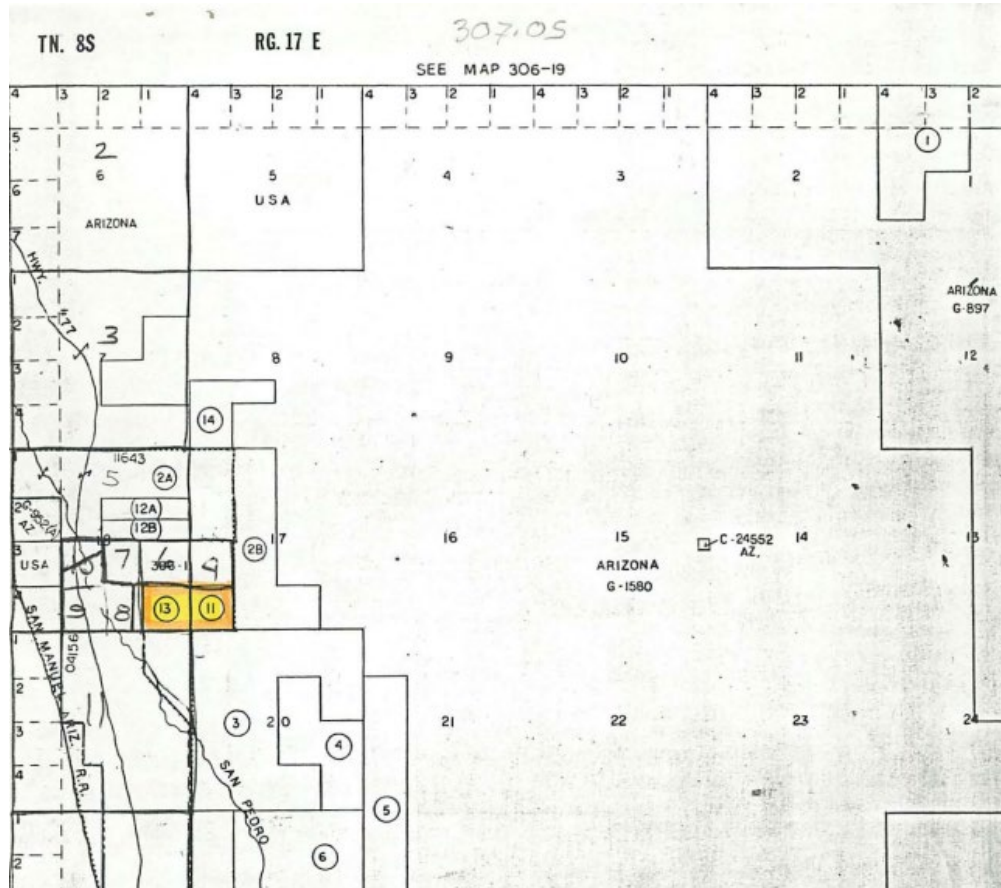
IR1 & IR2 - IRRIGATED DOUBLE CROPS (SMALL GRAINS AND SORGHUM).

IR3 - IR6 - IRRIGATED SMALL GRAINS.

A REGULATORY RESERVOIR, SUPPLIED BY WELL W1, IS USED FOR IRRIGATION AND STOCKWATERING PURPOSES.

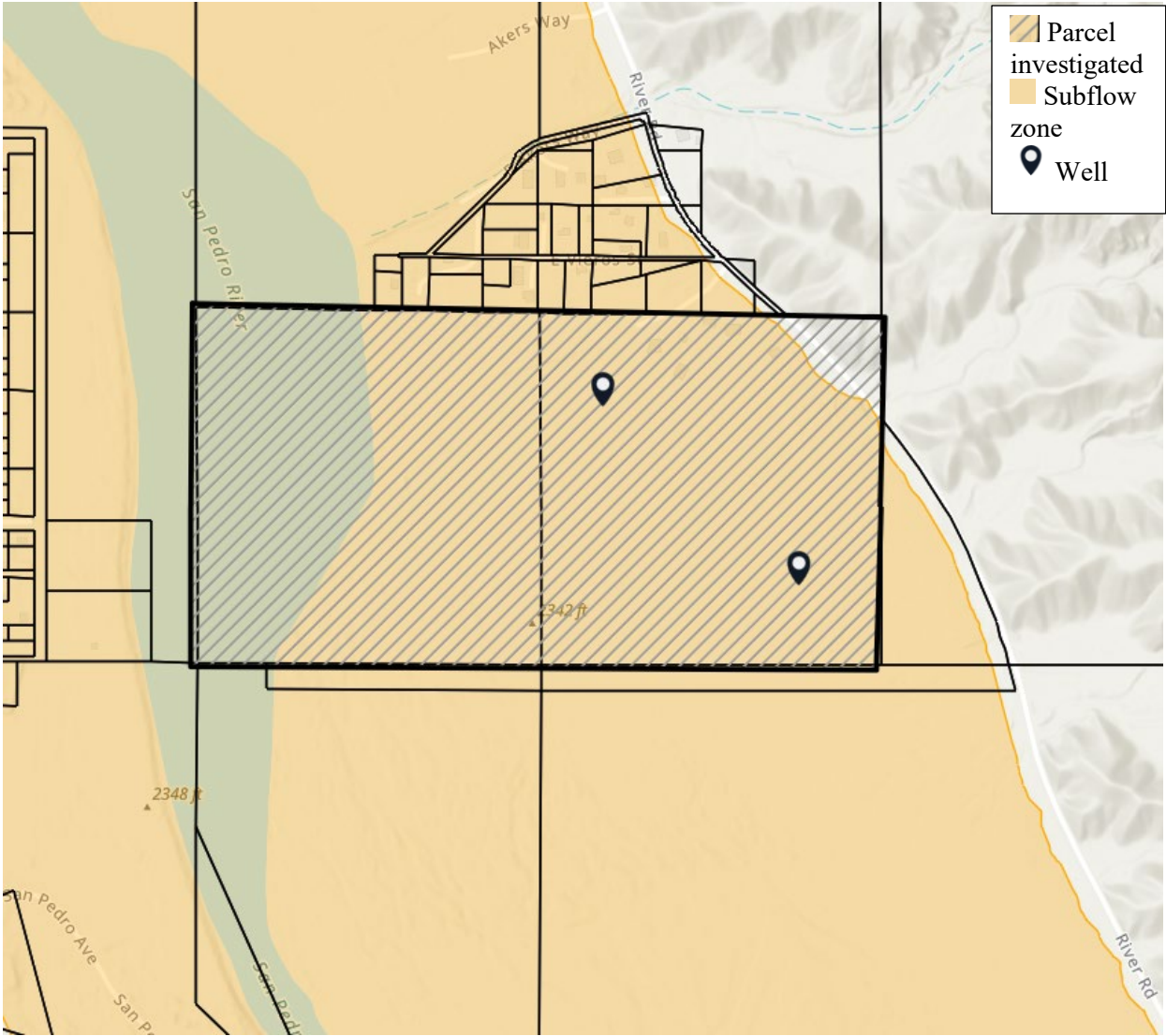
ATTACHMENT D

ADWR Map of Area Investigated



ATTACHMENT E

Current Parcels in Relation to Subflow Zone



ATTACHMENT F

Initial Court-Approved Mailing List

Arizona Department of Water Resources Karen J. Nielsen 1110 West Washington, Suite 310 Phoenix, AZ 85007	Susan B. Montgomery, Robyn Interpreter, Montgomery & Interpreter PLC 3301 E Thunderbird Road Phoenix, AZ 85032
Clerk of the Superior Court Maricopa County Attn: Water Case 601 West Jackson St. Phoenix, AZ 85003	Gila River Indian Community Javier Ramos and Michael Carter Office of the General Counsel P.O. Box 97 Sacaton, AZ 85147
Special Master Sherri Zendri Superior Court of Arizona 201 W. Jefferson Street Courtroom 301 Phoenix, AZ 85003	Merrill C. Godfrey and Brette A. Pena Akin Gump Straus Hauer & Feld LLP 2001 K Street, N.W. Washington, DC 20006
Alexander B. Ritchie San Carlos Apache Tribe Office of the Attorney General PO Box 40 San Carlos, AZ 85550	J. B. Weldon, M. A. McGinnis, M. K. Foy Salmon, Lewis & Weldon 2850 E. Camelback Rd. Suite 200 Phoenix, AZ 85016
Laura Boyer & Mark Widerschein United States Dept. of Justice – ENRD P.O. Box 7611, Ben Franklin Station Washington, DC 20044	Lauren Caster Fennemore Craig, P.C. 2394 East Camelback Road Ste 600 Phoenix, AZ 85016-3429
Joe P. Sparks and Laurel A. Hermann The Sparks Law Firm, P.C. 7503 First Street Scottsdale, AZ 85251-4573	John D. Burnside Snell & Wilmer, L. L. P. One E. Washington Street, Suite 2700 Phoenix, AZ 85004-2556
Jeremiah Weiner, Brett J. Stavin, and Jay Lee Rosette, LLP. 120 S. Ash Avenue, Suite 201 Tempe, AZ 85281	Robert C. Clark PO Box 545 Mammoth, AZ 85618 Benny E. Clark Box 145 Mammoth, AZ 85618