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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. **W1-11-2396**

11 **ORDER INITIATING CONTESTED**
12 **CASE AND SCHEDULING INITIAL**
13 **CONFERENCE HEARING**

14 **CONTESTED CASE NAME:** *In re Roy and Helen M. Verdugo*

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

16 **DESCRIPTIVE SUMMARY:** The Clerk of Maricopa County Superior Court is directed
17 to initiate W1-11-2396. Parties who wish to pursue this case are ordered to attend an initial
conference hearing scheduled for **Wednesday, January 8, 2025, at 10:00 am.**

18 **NUMBER OF PAGES:** 15

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

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

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

22
23 The state of Arizona is currently undergoing a General Stream Adjudication to
24 determine water use and create an accurate, enforceable record of those rights. In Arizona,
25 surface water, and water pumped from some wells¹ belong to the general public. An
26 enforceable right to this “appropriable” water may be acquired after review and approval
27

28 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 by Arizona's General Stream Adjudication Court. This Court has been instructed to
2 evaluate claims on water in much of the state of Arizona and determine the date of first
3 use, amount, and type of potential water use. This process, the "general stream
4 adjudication," is currently evaluating **PINAL COUNTY PARCEL Nos. 306-33-012E,**
5 **306-33-012F, 306-33-012G, and 306-33-012H** for potential water rights to be included
6 in the catalog of water rights for the Gila River system.

7 This court order opens a case to determine rights to use water on the parcel listed
8 above, that the Pinal County Assessor has identified as owned by **PATRICIA A. AND**
9 **GEORGE E. GARCIA, AND AUGUSTINE E. VARGAS ET AL.** Current landowners
10 who intend to pursue any potential water rights associated with this case must attend the
11 initial status conference scheduled for **Wednesday, January 8, 2025, at 10:00 am.**
12 Interested Parties **MUST** attend the scheduled initial conference if they plan to pursue
13 potential water rights. Failure to appear at the initial conference could result in the
14 dismissal of the case and the loss of water rights associated with the properties. The
15 conference will be held virtually using the Court Connect program. Instructions for Court
16 Connect are attached as Attachment A.

17 18 **CURRENT LANDOWNERS**

19 **Patricia A. and George E. Garcia** are the current owners of **PINAL COUNTY**
20 **PARCEL No. 306-33-012E. AUGUSTINE E. VARGAS, among multiple others,**
21 currently own **PINAL COUNTY PARCEL Nos. 306-33-012F through H.** Those parcels
22 were previously owned by Roy and Helen M. Verdugo.

23 Arizona Department of Water Resources ("ADWR") records indicate that Roy and
24 Helen M. Verdugo filed Statement of Claimant No. 39-12279 in January 1985, claiming
25 water for irrigation and domestic uses beginning in June 1975. The filing of a Statement
26 of Claimant declares an individual's intent to claim a water right and begins the process
27 of pursuing that water right with the Court.

28 ADWR investigated this potential water use and issued Watershed File Report No.

1 113-04-DCD-004. After the Watershed File Report was issued, the public was allowed an
2 opportunity to object to the findings in the report if they believed there were errors or
3 insufficient documentation. This case will determine the water rights existing on the
4 properties investigated in Watershed File Report No. 113-04-DCD-004 and resolve the
5 objections to the Watershed File Report:

6 The Court recognizes there has been a long delay between the filing of the initial
7 documents and the initiation of this case. Because of this delay, the property has changed
8 ownership and may have been subdivided. Nonetheless, current landowners may still
9 obtain water rights. Below is a summary of the water uses found on the properties at the
10 time of the Watershed File Report:

Watershed File Report - #113-04-DCD-004				
Statement of Claimant # - 39-12279				
Claimant Name	Roy and Helen M. Verdugo			
Pinal Co. Tax Parcel	306-33-012E	306-33-012F	306-33-012G	306-33-012H
Water use claimed in Statement of Claimant	Domestic, Irrigation	Domestic, Irrigation	None	None
Water use found during ADWR investigation	Irrigation, Domestic	Irrigation	None	None
Basis of Right	None reported	None reported	None reported	None reported

19 ADWR public records do not contain any assignments of the Statements of
20 Claimant listed in the Watershed File Report nor do the current landowners appear to have
21 filed any additional Statements of Claimant since the issuance of the HSR. Arizona law
22 requires that for parties to obtain a legal water right, they must provide proof of their right
23 by presenting to the Court an updated and accurate Statement of Claimant claiming a water
24 right paired with the appropriate basis of right, e.g. a statement of claim, decree, stockpond
25 registration, or water rights certificate. According to the Watershed File Report, the
26 following information will be needed to acquire a water right on one or more of these
27 properties:

28 A. The earliest available evidence of water use on the property.

B. A Statement of Claimant in the name of the current landowner and accurately describing the claimed use. 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 in the name of the current landowner (unless the basis is a prior judicial decree) and accurately describing the claimed use. The current landowner may fulfill this requirement by either filing a new basis of right or obtaining an assignment or amendment of a preexisting basis of right.

If the property owner is able to provide this proof to the Court to show 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). Alternatively, landowners may enter into Court approved settlements with the objecting parties.

OBJECTING PARTIES

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). Where an objection does not meet this requirement, the objecting party shall provide a detailed explanation of their objection during the initial conference hearing. The following have filed objections in this contested case:

Objector(s)	Summary of objections
Roy and Helen M. Verdugo	<ul style="list-style-type: none">• The “regional” method for estimating quantity of use for irrigation should provide a quantity near the quantity provided by the “maximum potential” method.• ADWR’s methods for determining quantity of use for irrigation ignore “historical quantities of water . . . actually used.”• In determining irrigated acreage and crop water requirements, ADWR should have reviewed crop history over at least the preceding ten years rather than merely the preceding five years.
SRP Objections	<ul style="list-style-type: none">• The “maximum observed” and “regional” methods

	<ul style="list-style-type: none"> for estimating quantity of use for irrigation should be rejected. The “maximum potential” method should be corrected. The WFR does not show a water use rate.
Magma Copper Co. (currently BHP Copper Inc.) and ASARCO Inc.	<ul style="list-style-type: none"> Groundwater should not be included in the Adjudication. To the extent that groundwater is subject to the Adjudication, objectors object to use of appropriable groundwater without an appropriative right or in conflict with the objectors’ own rights.
Gila River Indian Community, San Carlos Apache Tribe, Yavapai-Apache Nation (“the Tribes”)	<ul style="list-style-type: none"> The water used is subject to federal and Indian claims. The WFR does not show a well registration filing. The WFR does not show a water use rate.
United States, joined by the Tribes	<ul style="list-style-type: none"> The amount of water claimed is unreasonable and wasteful. The water used is subject to federal and Indian claims. The location of the point of diversion identified by ADWR is inconsistent with the statement of claimant. The location of the irrigation place of use identified by ADWR is inconsistent with the statement of claimant. ADWR’s recommended quantity of water for irrigation use overestimates crop water requirements.

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
Wednesday, January 8, 2025, at 10:00 am status conference

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

3 Attachment C: Copy of WFR No. 113-04-DCD-004.

4 Attachment D: ADWR map showing land investigated in WFR No. 113-04-DCD-
5 004.

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

7 Attachment F: Initial Court Approved Mailing List
8

9 **IT IS ORDERED** initiating contested case W1-11-2396, In re Roy and Helen M.
10 Verdugo, and scheduling an initial conference hearing for **Wednesday, January 8, 2025,**
11 **at 10:00 am.** The initial Court-approved mailing list for this case shall include all parties
12 listed on Attachment E to this order. Any document filed in this case must be served on
13 all parties listed on the Court-Approved Mailing List. The list may be modified only by
14 Court order. Anyone who would like to receive courtesy copies of minute entries and
15 orders may request inclusion on an email list by sending a request to:

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

17 If parties have questions regarding this Order or any of the attachments, please
18 contact the General Stream Adjudication, Office of the Special Water Master, at (602)
19 372-4115. Please note that staff can only answer administrative questions and cannot
20 provide legal advice

21 Signed this 25th day of November 2024.

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25 Sherri L. Zendri
26 Special Water Master
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On November 25, 2024, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for this contested case, a copy of which is attached, and to all persons listed on the Court-approved mailing list for W1, W2, W3, and W4.


Emily Natale

ATTACHMENT A



Court Connect Hearing Notice for In re Roy and Helen M. Verdugo

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 Roy and Helen M. Vargas

Contested Case No. W1-11-2396

Start Date/Time: Wednesday, January 8, 2025, at 10:00 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

AS OF 10/11/91

LAND OWNER	WATERSHED FILE REPORT NUMBER
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VERDUGO, ROY & HELEN M.	113-04-DCD-004
PHOTO ID - 22-8 (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 RNGE	CLAIM DATE	DIVERSION LOCATION SECTION TWP RNGE
39-0012279	QUE.RECD	IRRIGATION DOMESTIC	92.07 15.34	NWSENE18 080S 170E	1975	NWSENE18 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
39-0012279	IRRIGATION DOMESTIC	IRRIGATION DOMESTIC	W04	DM001, IR001

D I V E R S I O N S

DIV #	LOCATION SECTION TWP RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W04	NWSENE18 080S 170E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

U S E S

PWR #	LOCATION SECTION TWP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DM001	NWSENE18 080S 170E	W04	GROUNDWATER : ZONE 1		NO	
IR001	SWNE18 090S 170E	W04	GROUNDWATER : ZONE 1	1955	NO	

S H A R E D U S E S A N D D I V E R S I O N S

** WATER FROM W04 IS SHARED WITH THESE ADDITIONAL FILES:
113-04-DCD-5

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	39-0012279	NONE		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR001	39-0012279	NONE	1955 1955 AERIAL PHOTO	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
IR001	MAX. OBSERVED	2.5	PERM. PSTR	32%	9.9 AF/AC	24.8 AFA	
	REGIONAL	2.5	AVE. CROP	50%	5.4 AF/AC	13.5 AFA	
	MAX. POTENTIAL	2.5	ALFALFA	32%	10.4 AF/AC	26.0 AFA	

E X P L A N A T I O N

113-04-DCD-004

FILINGS AND DECREES

FILING 39-12279 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH REFLECTS INFORMATION PREVIOUSLY PROVIDED IN THE ORIGINAL STATEMENT OF CLAIMANT.

DIVERSIONS

W4 - WELL PROVIDES WATER FOR IRRIGATION AND DOMESTIC USES.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.

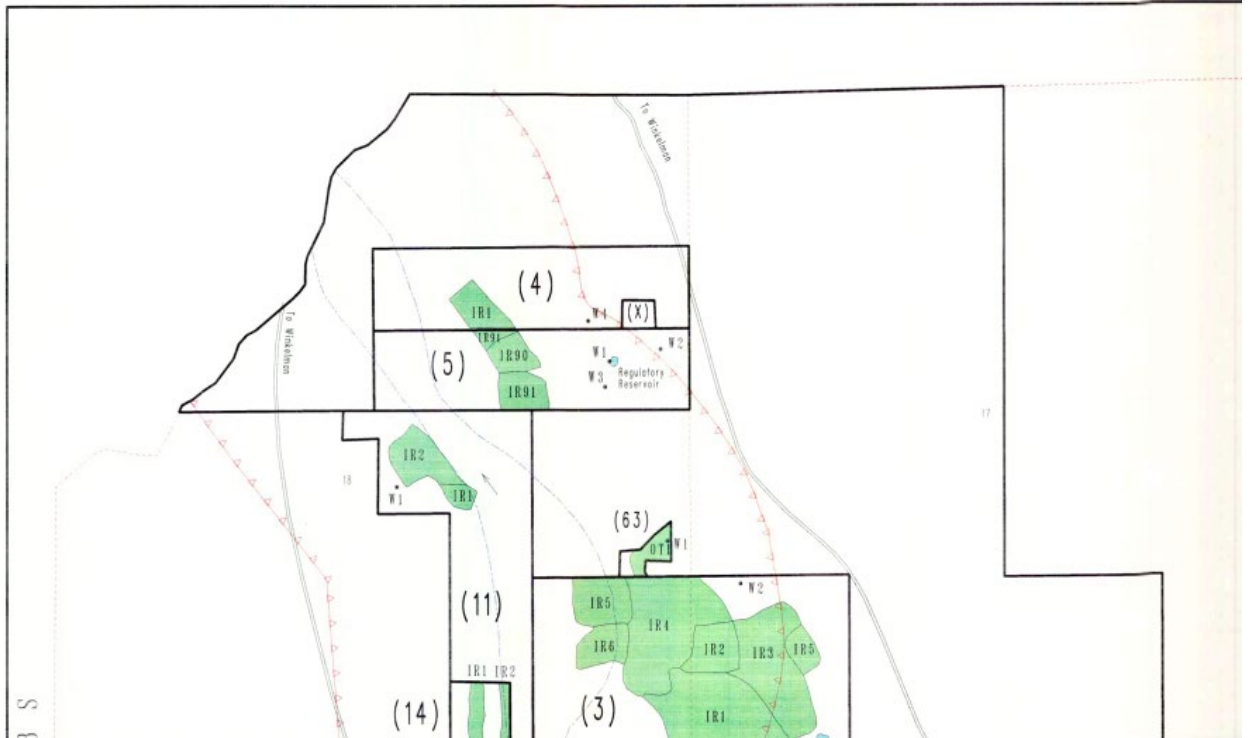
IR1 - IRRIGATED PASTURE.

SHARED USES AND DIVERSIONS

W4 - WELL IS SHARED WITH W.F.R. #113-04-DCD-5.

ATTACHMENT D

ADWR Map



The area investigated is denoted by “(4).”

ATTACHMENT E

Assessor Map



Parcel No. 306-33-012H
Augustine E. Vargas et al.

Parcel No. 306-33-012F (top)
Parcel No. 306-33-012G (bottom)
Augustine E. Vargas et al.

Parcel No. 306-33-012E
Patricia A. and George E. Garcia

ATTACHMENT F

Initial Court-Approved Mailing List

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

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

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

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

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

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

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

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

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

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

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2850 E. Camelback Rd. Suite 200 Phoenix, AZ
85016

Lauren Caster
Fennemore Craig, P.C.
2394 East Camelback Road Ste 600
Phoenix, AZ 85016-3429

John D. Burnside
Snell & Wilmer, L. L. P.
One E. Washington Street, Suite 2700
Phoenix, AZ 85004-2556

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P.O. Box 412
Mammoth, AZ 85618

Augustine E. Vargas et al.
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Mammoth, AZ 85618

Roy and Helen M. Verdugo
P.O. Box 184
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