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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. **W1-11-2397**

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

16 **CONTESTED CASE NAME:** *In re Arthur Verdugo Jr.*

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

18 **DESCRIPTIVE SUMMARY:** The Clerk of Maricopa County Superior Court is directed
19 to initiate W1-11-2397. Parties who wish to pursue this case are ordered to attend an initial
20 conference hearing scheduled for **Thursday, March 20, 2025, at 11:00am.**

21 **NUMBER OF PAGES:** 14

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 **PINAL COUNTY PARCEL Nos. 306-33-012J,**
5 **306-33-012K, 306-33-012L, and 306-33-012M** 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 **Carlos and Gilda**
9 **Marquez, Arthur Verdugo Jr. Properties LLC, and Arthur and Olivia Verdugo**
10 **Living Trust.** Current landowners who intend to pursue any potential water rights
11 associated with this case must attend the initial status conference scheduled for **Thursday,**
12 **March 20, 2025, at 11:00am.** Interested Parties **MUST** attend the scheduled initial
13 conference if they plan to pursue potential water rights. Failure to appear at the initial
14 conference could result in the dismissal of the case and the loss of water rights associated
15 with the property. The conference will be held virtually using the Court Connect program.
16 Instructions for Court Connect are attached as Attachment A.

17 18 **SUMMARY OF CASE**

19 Arizona Department of Water Resources (“ADWR”) records indicate that Arthur
20 Verdugo Sr. filed Statement of Claimant 39-6344 in 1980 and Roy F. Verdugo filed
21 Statement of Claimant 39-12279 in 1985, together claiming water for irrigation and
22 domestic uses dating to 1944 and 1975. The filing of a Statement of Claimant declares an
23 individual’s intent to claim a water right and begins the process of pursuing that water
24 right with the Court.

25 ADWR investigated the claimed water uses and issued Watershed File Report No.
26 113-04-DCD-005 in 1991. After the Watershed File Report was issued, the public was
27 allowed an opportunity to object to the findings in the report if they believed that there
28 were errors or insufficient documentation. This case will determine water rights existing

on the property associated with the relevant Watershed File Report and resolve the objections to the Watershed File Report.

The Court recognizes that there has been a long delay between the filing of the initial documents and the initiation of this case. Because of this delay, the property has changed ownership and 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	Claim No.	Source	Place(s) of Use
Domestic	39-6344, 39-12279	Groundwater	SWSENE18 Township 8S, Range 17E
Irrigation	39-12279	Groundwater	SENE18, SWNE18 Township 8S, Range 17E

ADWR public records do not contain any assignments of the Statements of Claimant listed in the Watershed File Report nor do the current landowners appear to have filed any additional Statements of Claimant since the issuance of the HSR. 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 registration, or water rights certificate. Landowners must present the following in order to acquire a water right:

- A. Earliest evidence of 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 showing 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 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">• Objection to “discontinued use” designation.• Quantity of use absent.• Diversion rate absent.
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 reserved rights.• Well registration filing absent.• Water use rate absent.
United States, joined by the Tribes	<ul style="list-style-type: none">• Bases of right absent.• Inaccurate proposed priority dates.• Quantity claimed exceeds reasonable use.• The claimed use interferes with federal and tribal reserved rights.• Irrigation claims challenged because they are discontinued uses.• Statements of Claimant incomplete.• Certain diversions not associated with a place of use.• Points of diversion inconsistent with applicable filings.• Place of use inconsistent with applicable filings.
Magma Copper Co. (currently BHP Copper) and ASARCO Inc.	<ul style="list-style-type: none">• The claims in this case are not subject to the jurisdiction of the adjudication because groundwater is not appropriable.
Arthur Verdugo Jr.	<ul style="list-style-type: none">• ADWR underestimates the quantity of water needed for the claimed irrigation uses.

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>

1 **ATTACHMENTS TO THIS ORDER:**

2 Attachment A: Instructions on how to appear virtually or telephonically at the
3 **March 20, 2025**, initial conference.

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

6 Attachment C: Copy of WFR No. 113-04-DCD-008.

7 Attachment D: ADWR map showing land investigated in WFR No. 113-04-DCD-
8 008.

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

10 Attachment F: Initial Court Approved Mailing List
11

12 **IT IS ORDERED** initiating contested case W1-11-2397, *In re Arthur Verdugo Jr.*,
13 and scheduling an initial conference hearing for **Thursday, March 20, 2025, at 11:00am.**
14 The initial Court-approved mailing list for this case shall include all parties listed on
15 Attachment E to this order. Any document filed in this case must be served on all parties
16 listed on the Court-Approved Mailing List. The list may be modified only by Court order.
17 Anyone who would like to receive courtesy copies of minute entries and orders may
18 request inclusion on an email list by sending a request to:

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

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

23 Signed this 10th day of February 2025.

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27 Sherri L. Zendri
28 Special Water Master

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3 On February 10, 2025, the original of
4 the foregoing was delivered to the Clerk of the
5 Maricopa County Superior Court for filing and
6 distributing a copy to all persons listed on the
7 Court-approved mailing list for this contested
8 case, a copy of which is attached, and to all persons
9 listed on the Court-approved mailing list for W1,
10 W2, W3, and W4.

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Emily Natale

ATTACHMENT A



Court Connect Hearing Notice for In re Arthur Verdugo Jr.

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 Arthur Verdugo Jr.

Contested Case No. W1-11-2397

Start Date/Time: Thursday, March 20, 2025, at 11:00am.

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
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VERDUGO, JR., ARTHUR JOS.	113-04-DCD-005

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
39-0006344		IRRIGATION	107.41	SWSENE18 O8OS 17OE	1944	SWSENE18 O8OS 17OE
		DOMESTIC	12.28	SESENE18 O8OS 17OE		SESENE18 O8OS 17OE
39-0012279	QUE.RECD	IRRIGATION	92.07	NWSENE18 O8OS 17OE	1975	NWSENE18 O8OS 17OE
		DOMESTIC	15.34			

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
39-0006344	IRRIGATION DOMESTIC	DISCONTINUED DOMESTIC	WO1,WO2,WO3	DMOO1
39-0012279	IRRIGATION DOMESTIC	DISCONTINUED DOMESTIC	WO4	DMOO1,IRO90,IRO91

D I V E R S I O N S

DIV #	LOCATION SECTION TWP RGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	SWSENE18 O8OS 17OE	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER UNUSED
WO2	SESENE18 O8OS 17OE	UNNAMED	GROUNDWATER : CATALOGUED
WO3	SWSENE18 O8OS 17OE	WINDMILL	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER UNUSED
WO4	NWSENE18 O8OS 17OE	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER SHARED

U S E S

PWR #	LOCATION SECTION TWP RGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE CHANGE	FACILITY NAME
DMOO1	SWSENE18 O8OS 17OE	WO2	GROUNDWATER : CATALOGUED		NO
IRO90	SENE18 O8OS 17OE	WO4	GROUNDWATER : ZONE 1	1945	NO
	SWNE18 O8OS 17OE				
IRO91	SENE18 O8OS 17OE	WO4	GROUNDWATER : ZONE 1	1955	NO
	SWNE18 O8OS 17OE				

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 WO4 FOUND IN FILE (113-04-DCD-4) IS USED IN THIS FILE

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
DMOO1	39-0006344	NONE		GROUNDWATER : CATALOGUED
	39-0012279			
IRO90	39-0012279	NONE	1944 FILING 39-6344	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IRO91	39-0012279	NONE	1955 1955 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
-----	-----	-----	-----	---	-----	-----	-----
DM001							SEE VOLUME 1 - GENERAL ASSESSMENT
IR090	REGIONAL	2.1	NO CROP				DISCONTINUED IRRG.
IR091	REGIONAL	3.3	NO CROP				DISCONTINUED IRRG.

E X P L A N A T I O N

FILINGS AND DECREES

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

DIVERSIONS

- W1 & W3 - UNUSED WELLS.
- W2 - A CATALOGUED WELL PROVIDES WATER FOR DOMESTIC USES.
- W4 - WELL PROVIDES WATER FOR IRRIGATION.

USES AND RESERVOIRS

- DM1 - DOMESTIC USE.
- IR90 & IR91 - DISCONTINUED IRRIGATION: D.W.R. HAS DETERMINED THAT NO IRRIGATION HAS OCCURRED ON THIS PROPERTY IN THE LAST FIVE YEARS, BUT THERE HAS BEEN IRRIGATION WITHIN THE PAST TEN YEARS BASED UPON A REVIEW OF HISTORICAL AERIAL PHOTOGRAPHY AND FIELD INVESTIGATIONS.

SHARED USES AND DIVERSIONS

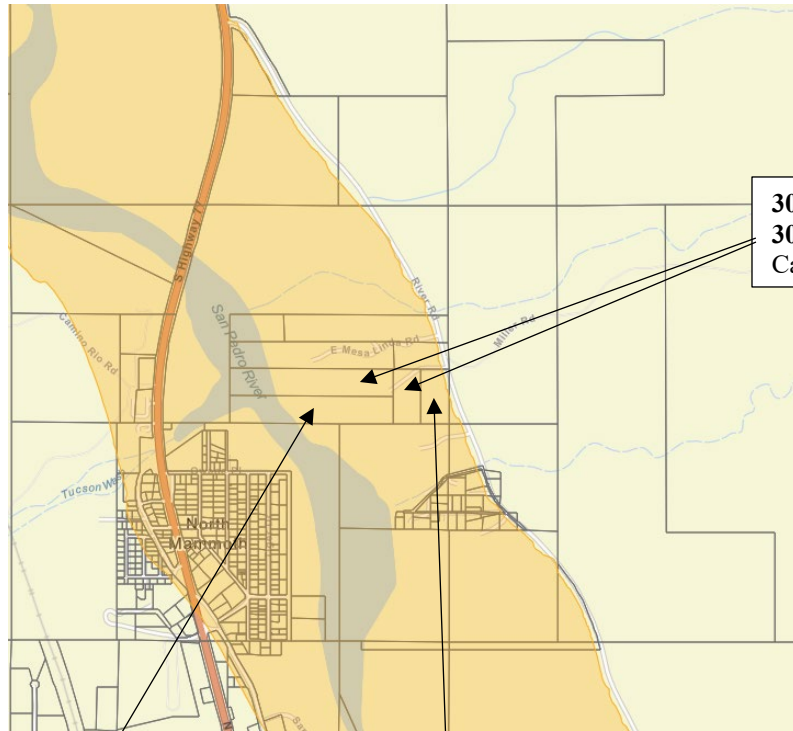
- W4 - WELL IS SHARED WITH W.F.R. #113-04-DCD-4.

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The image is a hand-drawn map of a military installation, likely Camp Pendleton, showing various buildings and areas. The map includes labels such as '26-952(A)', 'AZ', 'USA', 'SAN MANUEL', '04156', '11643', '2A', '12A', '12B', '13', '11', '14', '17', '2B', '306-11', and '7'. A specific area is highlighted in orange, labeled '12B'. The map also shows a river or road running diagonally across the bottom left, and several rectangular buildings of varying sizes.

ATTACHMENT E

Pinal County Assessor Map



306-33-012J
306-33-012L
Carlos and Gilda Marquez

306-33-012K
Arthur Verdugo Jr
Properties LLC

306-33-012M
Arthur and Olivia
Verdugo Living Trust

ATTACHMENT F

Initial Court-Approved Mailing List

Arizona Department of Water Resources

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

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

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The Sparks Law Firm, P.C.
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Scottsdale, AZ 85251-4573

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Montgomery & Interpreter PLC
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Gila River Indian Community
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AZ 85016

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One E. Washington Street, Suite 2700
Phoenix, AZ 85004-2556

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Mammoth, AZ 85618 karen

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c/o Mark J. Valentine
Valentine & Valentine PC
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Tucson, AZ 85704

Arthur and Olivia Verdugo Living Trust
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Mammoth, AZ 85618