

ARIZONA GENERAL STREAM ADJUDICATION
IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN RE THE GENERAL
ADJUDICATION OF ALL RIGHTS
TO USE WATER IN THE GILA
RIVER SYSTEM AND SOURCE

W-1, W-2, W-3, W-4 (Consolidated)

Contested Case No. **W1-11-2399**

**ORDER INITIATING CONTESTED
CASE AND SCHEDULING INITIAL
CONFERENCE HEARING**

CONTESTED CASE NAME: *In re Robert Allen and Angela Buzan*

HSR INVOLVED: San Pedro Hydrographic Survey.

DESCRIPTIVE SUMMARY: The Clerk of Maricopa County Superior Court is directed to initiate W1-11-2399. Parties who wish to pursue this case are ordered to attend an initial conference hearing scheduled for **Thursday, January 9, 2025, at 11:30 am.**

NUMBER OF PAGES: 14

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

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

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

The state of Arizona is currently undergoing a General Stream Adjudication to determine water use and create an accurate, enforceable record of those rights. In Arizona, surface water and water pumped from some wells¹ belong to the general public. An enforceable right to use surface water may be acquired after review and approval by Arizona's General Stream Adjudication Court. This Court has been instructed to evaluate claims on water in much of the state of Arizona and determine the date of first use, amount,

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 type of potential water use. This process, the “general stream adjudication,” is
2 currently evaluating **PINAL COUNTY PARCEL Nos. 306-33-005A and 306-33-005B**
3 for potential water rights to be included in the catalog of water rights for the Gila River
4 system.

5 This court order opens a case to determine rights to use water on the parcels listed
6 above, which the Pinal County Assessor has identified as owned by **PAMELA**
7 **ATKINSON AND ROBERT ALLEN BUZAN JR.** Current landowners who intend to
8 pursue any potential water rights associated with this case must attend the initial status
9 conference scheduled for **Thursday, January 9, 2025, at 11:30 am.** Interested Parties
10 **MUST** attend the scheduled initial conference if they plan to pursue potential water rights.
11 Failure to appear at the initial conference could result in the dismissal of the case and the
12 loss of water rights associated with the properties. The conference will be held virtually
13 using the Court Connect program. Instructions for Court Connect are attached as
14 Attachment A.

15 **CURRENT LANDOWNERS**

16 **PAMELA ATKINSON** is the current owner of **PINAL COUNTY PARCEL NO.**
17 **306-33-005A. ROBERT ALLEN BUZAN JR.** currently owns **PINAL COUNTY**
18 **PARCEL NO. 306-33-005B.** Both parcels were previously owned by Robert Allen and
19 Angela Buzan.

20 Arizona Department of Water Resources (“ADWR”) records indicate that Robert
21 A. Buzan filed Statements of Claimant No. 39-6427 and 39-12432, claiming water for
22 irrigation and stock watering uses beginning in 1958. The filing of a Statement of Claimant
23 declares an individual’s intent to claim a water right and begins the process of pursuing
24 that water right with the Court.

25 ADWR investigated these claims and issued Watershed File Report (“WFR”) No.
26 113-04-DCD-014. After the Watershed File Report was issued, the public was allowed an
27 opportunity to object to the findings in the report if they believed there were errors or
28 insufficient documentation. This case will determine the water rights existing on the

properties investigated in WFR No. 113-04-DCD-014 and resolve the objections to the Watershed File Report:

The Court recognizes 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 certain water rights. Below is a summary of the water uses found on the properties at the time of the WFR:

Watershed File Report- # 113-04-DCD-014		
Pinal Co. Tax Parcel	306-33-005A	306-33-005B
Existing Claims	Irrigation (39-6427, 39-12432)	Irrigation (39-6427, 39-12432)
Water use found during ADWR investigation	Irrigation	Irrigation
Basis of Right	None reported	None reported

ADWR public records do not contain any assignments of the Statement of Claimant identified 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 a water right paired with the appropriate basis of right, e.g. a statement of claim, decree, stockpond registration, or water rights certificate. According to the Watershed File Report, the following information will be needed to acquire a water right on one or more of these properties:

- 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 may 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
SRP Objections	<ul style="list-style-type: none">• The “maximum observed” and “regional” methods 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. (now 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 the 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 water used is subject to federal and Indian claims.• The POU descriptions in the Statements of Claimant are too general.

United States, joined by the Tribes (continued)	<ul style="list-style-type: none"> • Some ADWR estimates of quantity of use are greater than claimed quantities. • ADWR description of at least one point of diversion is inconsistent with a Statement of Claimant. • ADWR's methodology overestimates crop water requirements.
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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 **Thursday, January 9, 2025, at 11:30 am** status conference

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

Attachment C: Copy of WFR No. 113-04-DCD-014

Attachment D: ADWR map showing land investigated in WFR No. 113-04-DCD-014

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

Attachment F: Initial Court Approved Mailing List

IT IS ORDERED initiating contested case W1-11-2399, In re Robert Allen and Angela Buzan, and scheduling an initial conference hearing for **Thursday, January 9, 2025, at 11:30 am**. The initial Court-approved mailing list for this case shall include all parties listed on Attachment F to this order. Any document filed in this case must be served on all parties listed on the Court-Approved Mailing List. The list may be modified only by Court order. Anyone who would like to receive courtesy copies of minute entries and orders may request inclusion on an email list by sending a request to

emily.natale@jbazmc.maricopa.gov.

1 If parties have questions regarding this Order or any of the attachments, please
2 contact the General Stream Adjudication, Office of the Special Water Master, at (602)
3 372-4115. Please note that staff can only answer administrative questions and cannot
4 provide legal advice.

5 Signed this 25th day of November 2024.

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9 Sherri L. Zendri
10 Special Water Master

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14 On November 25, 2024, the original of
15 the foregoing was delivered to the Clerk of the
16 Maricopa County Superior Court for filing and
17 distributing a copy to all persons listed on the
18 Court-approved mailing list for this contested
19 case, a copy of which is attached, and to all persons
20 listed on the Court-approved mailing list for W1,
21 W2, W3, and W4.

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28 Emily Natale

ATTACHMENT A



Court Connect Hearing Notice for In re Robert Allen and Angela Buzan

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 Robert Allen and Angela Buzan

Contested Case No. W1-11-2399

Start Date/Time: Thursday, January 9, 2025, at 11:30 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

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
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BUZAN, ROBERT ALLEN	113-O4-DCD-014
& ANGELA	

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
39-0006427	QUE.RECD	IRRIGATION STOCK	5.18 4.48	18	080S	170E	1958	SWSWSE18	080S	017E
39-0012432	QUE.RECD	IRRIGATION STOCK	5.18 4.48	18	080S	170E	1958	SWSE18	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
39-0006427	IRRIGATION STOCK	IRRIGATION INCIDENTAL	WO1	IROO1,IROO2
39-0012432	IRRIGATION STOCK	IRRIGATION INCIDENTAL	WO1	IROO1,IROO2

D I V E R S I O N S

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	SESWSWSE18	080S	170E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE	FACILITY NAME
IROO1	SESWSWSE18	080S	170E	WO1	GROUNDWATER : ZONE 1	1955	NO	
IROO2	SESWSWSE18	080S	170E	WO1	GROUNDWATER : ZONE 1	1969	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
IROO1	39-0006427 39-0012432	NONE	1955	1955 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO2	39-0006427 39-0012432	NONE	1958	FILING 39-12432	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
IROO1	MAX. OBSERVED REGIONAL	1.5	PERM. PSTR	32%	9.9 AF/AC	14.9 AFA	
		1.5	AVE. CROP	50%	5.4 AF/AC	8.1 AFA	
	MAX. POTENTIAL	1.5	ALFALFA	32%	10.4 AF/AC	15.6 AFA	
IROO2	MAX. OBSERVED REGIONAL	1.0	PERM. PSTR	32%	9.9 AF/AC	9.9 AFA	
		1.0	AVE. CROP	50%	5.4 AF/AC	5.4 AFA	
	MAX. POTENTIAL	1.0	ALFALFA	32%	10.4 AF/AC	10.4 AFA	

FILINGS AND DECREES

FILINGS 39-6427 & 39-12432 - UNIFORM QUESTIONNAIRES WERE RECEIVED WHICH REFLECT INFORMATION PREVIOUSLY PROVIDED IN THE ORIGINAL STATEMENTS OF CLAIMANT.

DIVERSIONS

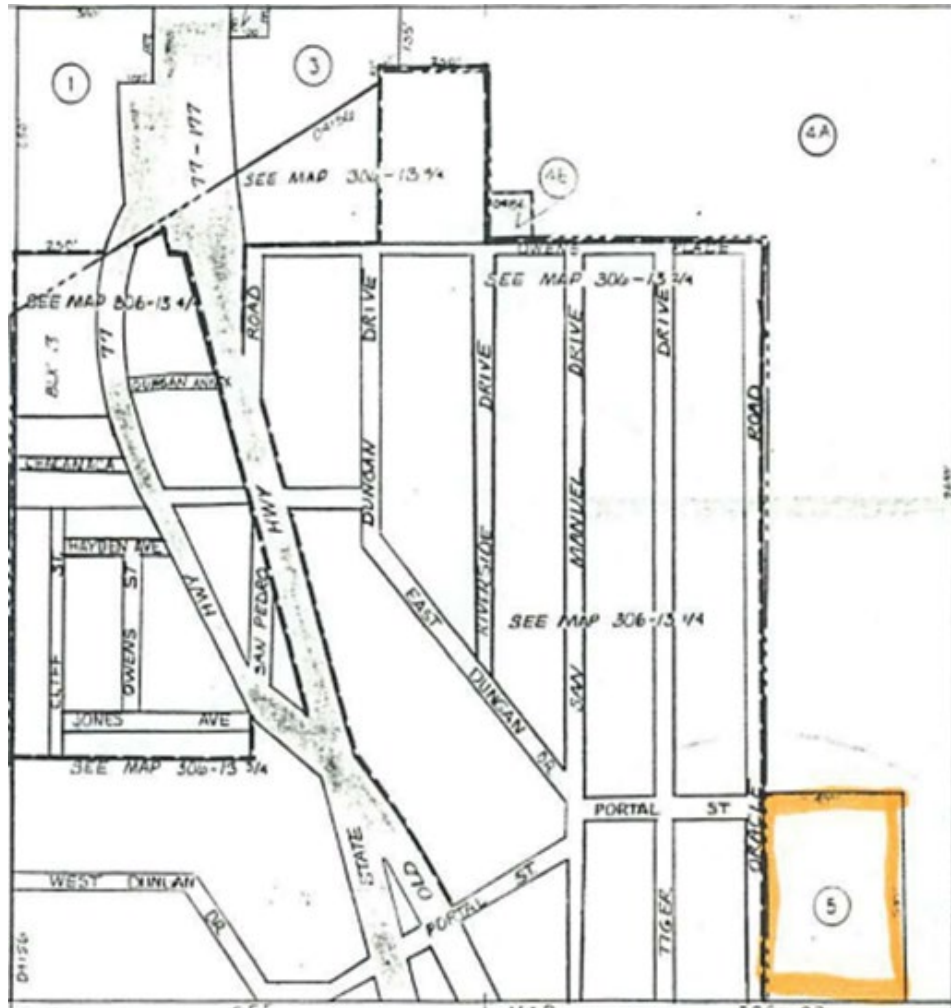
W1 - WELL PROVIDES WATER FOR IRRIGATION AND STOCKWATERING USES.

USES AND RESERVOIRS

IR1 & IR2 - IRRIGATED PASTURE.

ATTACHMENT D

ADWR Map



ATTACHMENT E

Assessor Map



Parcel No. 306-33-005B
Robert Allen Buzan Jr

Parcel No. 306-33-005A
Pamela Atkinson

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
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Courtroom 301
Phoenix, AZ 85003

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San Carlos Apache Tribe
Office of the Attorney General
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