

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

7/17/2025

CLERK OF THE COURT  
S. Ortega  
Deputy

SPECIAL WATER MASTER  
SHERRI ZENDRI

In Re: *Ernest H. and Judith H. Dykes*  
Contested Case No. W1-11-2617

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

10:30 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:

- Landowner Judith H. Dykes
- Alexa Penalosa and Laura Boyer for the United States
- Kathryn M. Ust for the Salt River Project (SRP)
- Joe Sparks and Jana Sutton for the San Carlos Apache Tribe
- John Burnside for BHP Copper
- Garrett Perkins observing for the St. David Irrigation District
- Alexandra Corcoran Shannon on behalf of Sue Montgomery for the Yavapai Apache Nation and observing for the Pasqua Yaqui Tribe
- Brette Pena for Gila River Indian Community
- Denise Riden observing for Cochise County
- 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 Ms. Dykes.

Ms. Dykes states that she has two artesian wells on the property that both flow into a pond. Both wells are registered and used for irrigating the garden, livestock and residential.

The Court makes the following suggestions for next steps in this process:

1. Ms. Dykes shall contact the Arizona Department of Water Resources (“ADWR”) to make sure that all of the documentation is accurate and the wells are appropriately registered.
2. Revised Statements of Claimant shall be reviewed by ADWR to make sure they still reflect the current water use.
3. ADWR shall assist landowner in putting together the basis of right for the water.

The Court will include further information for the landowner as a “LATER” in today’s 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 9:30 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, questions or concerns are stated by the interested parties.

10:53 a.m. Matter concludes.

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

## **LATER**

To pursue water rights, Ms. Dykes must 1) file a Statement of Claimant, and 2) present to the Court evidence of a legal right to the water they claimed on the Statement of Claimant, often referred to as the ‘basis of right’. If Ms. Dykes proves to the Court the existence of a legal water right on her 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>

### **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 water uses. To update an SOC, Ms. Dykes may make an SOC amendment 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, Ms. Dykes must also provide a “basis of right.” If Ms. Dykes cannot prove that her water right claimed was initiated prior to June 12, 1919, she must file an application for a permit to appropriate.

### **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/W1-11-2617Objections.pdf>

**IT IS ORDERED** that Ms. Dykes 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 Ms. Dykes review her Statements of Claimant and update where necessary and provide guidance to Ms. Dykes 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.

## Attachment A



### **Court Connect Hearing Notice for In re Ernest H. and Judith H. Dykes**

*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 Ernest H. and Judith H. Dykes

**Contested Case No.** W1-11-2617

**Start Date/Time:** Thursday, October 16, 2025 at 9:30 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](#)*