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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. **W1-11-2642**

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

16 CONTESTED CASE NAME: *In re Jane Moser*

17 HSR INVOLVED: San Pedro Hydrographic Survey.

18 DESCRIPTIVE SUMMARY: The Clerk of the Maricopa County Superior Court is
19 directed to initiate W1-11-2642. Parties who wish to pursue this case are ordered to attend
20 an initial conference scheduled for **Thursday, July 17, 2025, at 11:00 am.**

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 **PIMA COUNTY PARCEL No. 205-19-
3 003M** for potential water rights.

4 This court order opens a case to determine rights to use water on the parcel listed
5 above, that the Pima County Assessor has identified as owned by **Scott’s Shady Ranch
6 LLC**. Current landowners who intend to pursue any potential water rights associated
7 with this case must attend the initial status conference scheduled for **Thursday, July 17,
8 2025, at 11:00 am**. Interested Parties **MUST** attend the scheduled initial conference if they
9 plan to pursue potential water rights. Failure to appear at the initial conference could result
10 in the dismissal of the case and the loss of water rights associated with the property. The
11 conference will be held virtually using the Court Connect program. Instructions for Court
12 Connect are attached as Attachment A.

13 14 **SUMMARY OF CASE**

15 Arizona Department of Water Resources (“ADWR”) records indicate that Ardell
16 Bingham, Robert Floyd, Jerry Hammond, and Clarence and Carol Moyers filed Statements
17 of Claimant 39-6039–41, 39-12299, 39-12300, and 39-12302, claiming water for domestic
18 and irrigation uses dating between 1949 and 1980. The filing of a Statement of Claimant
19 declares an individual’s intent to claim a water right and begins the process of pursuing
20 that water right with the Court.

21 ADWR investigated the claimed water uses and issued Watershed File Report No.
22 113-09-CC-092 in 1991. After the Watershed File Report was issued, the public was
23 allowed an opportunity to object to the findings in the report if they believed that there
24 were errors or insufficient documentation. This case will determine water rights existing
25 on the property associated with the relevant Watershed File Report and resolve the
26 objections to the Watershed File Report.

27 The Court recognizes that there has been a long delay between the filing of the
28 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	Associated SOC(s)	Source	Place of Use
Domestic	39-6041, 39-12302	Groundwater	NESE10 T11S, R18E
Irrigation	39-6040, 39-6041, 39-12300, 39-12302	Groundwater	NWSE10 T11S, R18E
Irrigation	39-6040, 39-6041, 39-12300, 39-12302	Groundwater	NESE10 T11S, R18E
Wildlife Reservoir	39-6040	Groundwater	NESE10 T11S, R18E

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 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 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. These forms can be found online at <https://www.azwater.gov/adjudications/statement-claimant-new-use-summons-forms>
- C. A basis of right accurately describing the claimed use. A basis of right is either a decree, a document submitted to ADWR registering a water right, or a document issued by ADWR certifying a water right. Applications for statements of claim, stockpond claims of right, permits, or water right

1 certificates can be found online at

2 <https://www.azwater.gov/surface-water-forms-and-documents>.

3
4 If the property owner is able to provide proof to the Court of the existence of a
5 water right on their property, the Court can recognize an enforceable water right in a “Final
6 Decree.” Ariz. Rev. Stat. § 45-257(B).

7
8 **OBJECTING PARTIES**

9 Objectors to a water right claim must present the Court with a specific statement
10 objecting to specific claimed attributes. Ariz. Rev. Stat. § 45-256(B). The following
11 entities have filed objections in this contested case: Gila River Indian Community, San
12 Carlos Apache Tribe, Yavapai-Apache Nation (collectively “the Tribes”); the United
13 States, joined by the Tribes; Salt River Project; Jane Elizabeth Moser; and Magma
14 Copper Co. (currently BHP Copper) and ASARCO Inc.

15 Copies of objections in this case can be found under the respective case name and
16 number on the following website:

17 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>
18

19
20 **ATTACHMENTS TO THIS ORDER:**

21 Attachment A: Instructions on how to appear virtually or telephonically at the
22 **Thursday, July 17, 2025, at 11:00 am** initial conference.

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

25 Attachment C: Copy of WFR No. 113-09-CC-092.

26 Attachment D: ADWR map showing land investigated in WFR No. 113-09-CC-092.

27 Attachment E: Map showing the relevant tax parcels and current ownership.
28

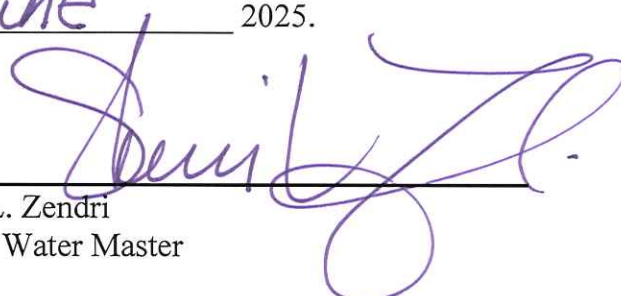
Attachment F: Initial Court Approved Mailing List

IT IS ORDERED initiating contested case W1-11-2642, *In re Jane Moser*, and scheduling an initial conference for **Thursday, July 17, 2025, at 11:00 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.

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

Signed this 4th day of June 2025.



Sherri L. Zendri
Special Water Master

On June 4, 2025, 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 Jane Moser

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 Jane Moser

Contested Case No. W1-11-2642

Start Date/Time: Thursday, July 17, 2025, at 11:00 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 11/06/91

LAND OWNER

MOSER, JANE

WATERSHED FILE
REPORT NUMBER

113-09-CC-092

PHOTO ID - 22-5(90)

QUAD 1 - REDINGTON

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
39-0006039		DOMESTIC	1.10	10	110S	180E	1949			
39-0006040		IRRIGATION	1080.00	10	110S	180E	1980			
39-0006041		DOMESTIC	1.10	10	110S	180E	1958			
39-0012299		IRRIGATION		10	110S	180E	1958			
39-0012300		IRRIGATION		10	110S	180E	1974			
39-0012302		DOMESTIC					1953			

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
39-0006039	IRRIGATION DOMESTIC	NONE NONE		
39-0006040	IRRIGATION	IRRIGATION	W02	IR001,SR001
39-0006041	IRRIGATION DOMESTIC	NONE DOMESTIC	W03	DM001
39-0012299	IRRIGATION	NONE		
39-0012300	IRRIGATION STOCK	IRRIGATION INCIDENTAL	W02	IR001
39-0012302	DOMESTIC	DOMESTIC	W03	DM001

D I V E R S I O N S

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
W02	NWNESE10	110S	180E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
W03	SWNESE10	110S	180E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DM001	NESE10	110S	180E	W03	GROUNDWATER : ZONE 1		NO	
IR001	NWSE10	110S	180E	W02,W03	GROUNDWATER : ZONE 1	1955	NO	
IR090	NESE10	110S	180E	W02,W03	GROUNDWATER : ZONE 1	1984	NO	

R E S E R V O I R S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SR001	NESE10	110S	180E	W02	GRNDWTR : ZONE 1	1955	UNNAMED	WILDLIFE

P W R S U M M A R Y

113-09-CC-092

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DM001	39-0006041 39-0012302	NONE		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR001	39-0006040 39-0006041 39-0012300 39-0012302	NONE	1955 1955 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IR090	39-0006040 39-0006041 39-0012300 39-0012302	NONE	1984 1984 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
SR001	39-0006040 39-0012300	NONE	1955 1955 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
NONE	39-0006039 39-0012299	NONE		

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	2.7	PERM. PSTR	32%	9.9 AF/AC	26.7 AFA	
	REGIONAL	2.7	AVE. CROP	50%	5.4 AF/AC	14.6 AFA	
	MAX. POTENTIAL	2.7	ALFALFA	32%	10.4 AF/AC	28.1 AFA	
IR090	REGIONAL	9.4	NO CROP				DISCONTINUED IRRG.
SR001	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	

E X P L A N A T I O N

FILINGS AND DECREES

FILING 39-6039 - CLAIMS IRRIGATION AND DOMESTIC USES FROM A HAND DUG WELL. D.W.R. WAS UNABLE TO LOCATE THIS WELL.
FILING 39-12299 - CLAIMS AN IRRIGATION USE FROM A HAND DUG WELL. D.W.R. WAS UNABLE TO LOCATE THIS WELL.

DIVERSIONS

W2 - WELL PROVIDES WATER FOR IRRIGATION, STOCKWATERING, AND WILDLIFE USES.
W3 - WELL PROVIDES WATER FOR DOMESTIC USES.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.
IR1 - IRRIGATED PASTURE.
IR90 - 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.
SR1 - SMALL RESERVOIR, SUPPLIED BY W2, IS USED FOR WILDLIFE PURPOSES.

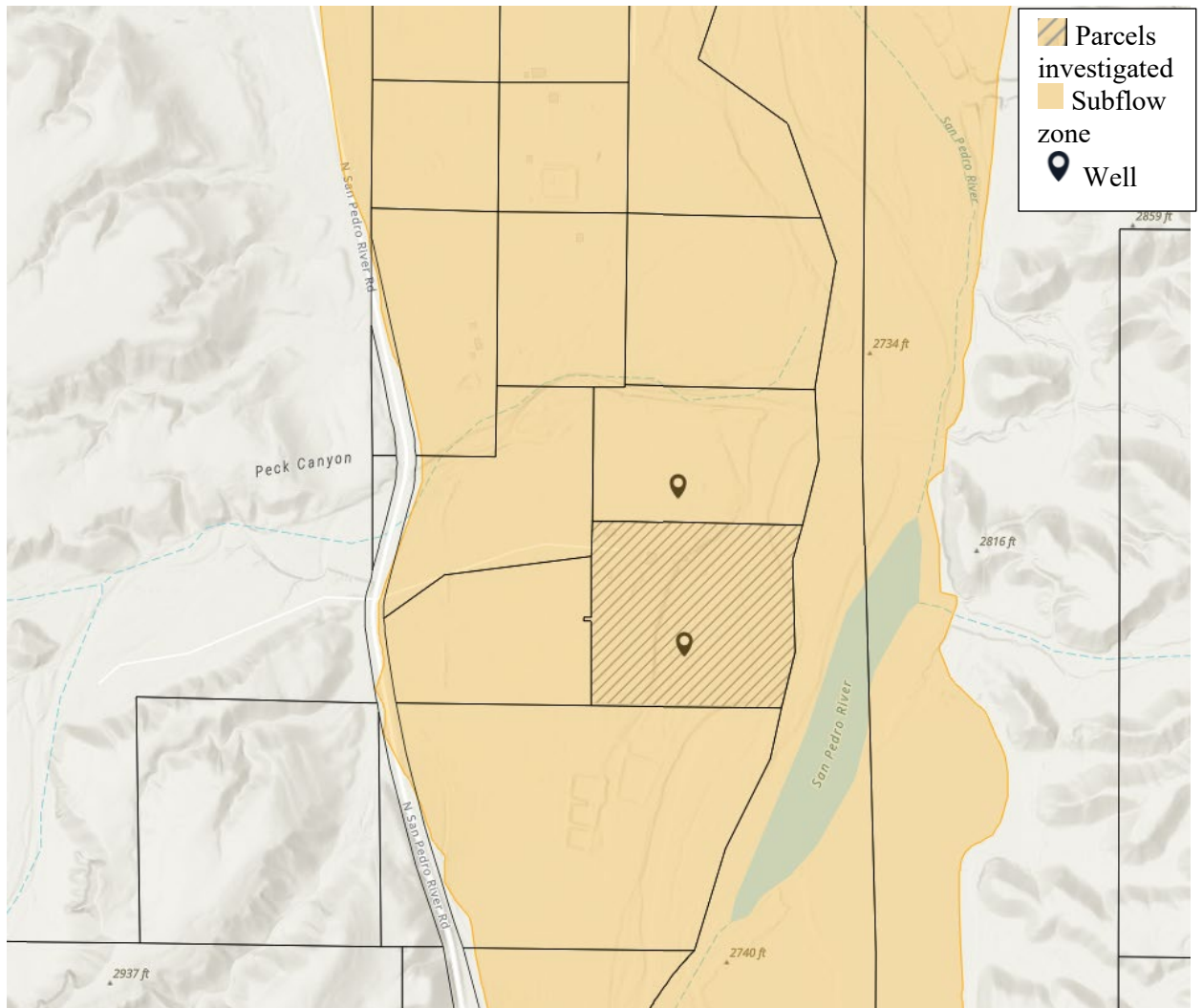
ATTACHMENT D

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

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Maricopa County
Attn: Water Case
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Phoenix, AZ 85003

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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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San Carlos, AZ 85550

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Clarence and Carol Moyers
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