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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. **W1-11-2750**

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

16 **CONTESTED CASE NAME:** *In re Thomas C. and Beryl J. Peterson et al.*

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

18 **DESCRIPTIVE SUMMARY:** The Clerk of Maricopa County Superior Court is directed
19 to initiate W1-11-2750. Parties who wish to pursue this case are ordered to attend an initial
20 conference hearing scheduled for **Thursday, March 27, 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 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 **COCHISE COUNTY PARCEL Nos. 209-56-**
5 **004E, 209-56-004F, 209-56-004G, 209-56-004H, and 209-56-006A** for potential water
6 rights to be included 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 parcels listed
8 above, that the Cochise County Assessor has identified as owned by **H.C. Dobson Jr.**
9 **Ranch Properties LLC, Red Horse III LLC, and Torch Clean Energy LLC.** Current
10 landowners who intend to pursue any potential water rights associated with this case must
11 attend the initial status conference scheduled for **Thursday, March 27, 2025, at 11:00**
12 **am.** 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 property. The
15 conference will be held virtually using the Court Connect program. Instructions for Court
16 Connect are attached as Attachment A.

17 18 **SUMMARY OF CASE**

19 Arizona Department of Water Resources (“ADWR”) records indicate that Thomas
20 C. Peterson filed Statements of Claimant 39-1705, 39-1706, 39-1707, 39-4333, 39-4334,
21 and 39-4335 in 1979 and 1980, claiming water for stockpond and domestic uses dating to
22 1921 at the earliest. The filing of a Statement of Claimant declares an individual’s intent
23 to claim a water right and begins the process of pursuing that water right with the Court.

24 ADWR investigated the claimed water uses and issued Watershed File Report No.
25 113-13-017 in 1991. After the Watershed File Report was issued, the public was allowed
26 an opportunity to object to the findings in the report if they believed that there were errors
27 or insufficient documentation. This case will determine water rights existing on the
28 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	Associated SOC	Source	Place of Use
Domestic	39-4333	Groundwater	NENWNE 21 Township 13S, Range 21E
Stockpond	39-1707	San Pedro River	SWNE 25 Township 13S, Range 21E
Stockpond	39-1706	San Pedro River	SENE 26 Township 13S, Range 21E
Stockpond	39-1705	San Pedro River	NENE 27 Township 13S, Range 21E

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
Thomas C. Peterson	<ul style="list-style-type: none">Any ponds or wells listed on the WFR that are located on state lands are privately owned.
Gila River Indian Community, San Carlos Apache Tribe, Yavapai-Apache Nation (collectively "the Tribes")	<ul style="list-style-type: none">The claimed water use and impoundment interfere with federal and tribal rights.Certain bases of right are missing from the WFR.A claimed water use rate is missing from the WFR.

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 **March 27, 2025**, initial conference.

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

Attachment C: Copy of WFR No. 113-13-017.

Attachment D: ADWR map showing land investigated in WFR No. 113-13-017.

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

Attachment F: Initial Court Approved Mailing List

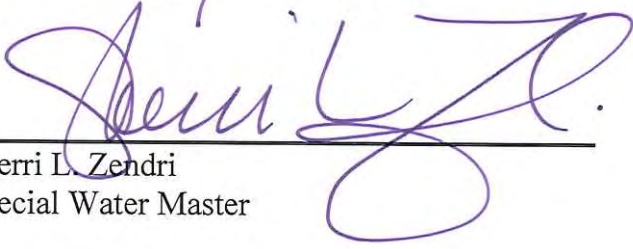
IT IS ORDERED initiating contested case W1-11-2750, *In re Thomas C. and Beryl J. Peterson et al.*, and scheduling an initial conference hearing for **Thursday, March 27, 2025, at 11:00 am**. The initial Court-approved mailing list for this case shall include all

1 parties listed on Attachment E to this order. Any document filed in this case must be
2 served on all parties listed on the Court-Approved Mailing List. The list may be modified
3 only by Court order. Anyone who would like to receive courtesy copies of minute entries
4 and orders may request inclusion on an email list by sending a request to:

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

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

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10 Signed this 12th day of February, 2025.

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14 Sherri L. Zendri
15 Special Water Master
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18 On February 12, 2025, the original of
19 the foregoing was delivered to the Clerk of the
20 Maricopa County Superior Court for filing and
21 distributing a copy to all persons listed on the
22 Court-approved mailing list for this contested
23 case, a copy of which is attached, and to all persons
24 listed on the Court-approved mailing list for W1,
25 W2, W3, and W4.

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28 
Emily Natale

ATTACHMENT A



Court Connect Hearing Notice for *In re Thomas C. and Beryl J. Peterson et al.*

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 Thomas C. and Beryl J. Peterson et al.

Contested Case No. W1-11-2750

Start Date/Time: Thursday, March 27, 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

LAND OWNER	WATERSHED FILE REPORT NUMBER
PETERSON, THOMAS C. & BERYL J. PETERSON, FLOYD T. & HAZEL G.	113-13-017

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
36-0080009		STOCK	1.07	NENE27 130S 210E	1940	NENE27 130S 210E
36-0080010		STOCK	3.56	NWSW26 130S 210E	1921	NWSW26 130S 210E
36-0080011		STOCK	7.90	NENE25 130S 210E	1921	NENE25 130S 210E
38-0066159		STOCK	1.07	NENE27 130S 210E	1940	NENE27 130S 210E
		REC/FISH/WLDF				
38-0066160		STOCK	3.56	NWSW26 130S 210E	1921	NWSW26 130S 210E
		REC/FISH/WLDF				
38-0066161		STOCK	7.90	NENE25 130S 210E	1921	NENE25 130S 210E
		REC/FISH/WLDF				
39-0001705		STOCK	1.07	NENE27 130S 210E	1940	NENE27 130S 210E
39-0001706		STOCK	3.56	NWSW26 130S 210E	1921	NWSW26 130S 210E
39-0001707		STOCK	7.90	NENE25 130S 210E	1921	NENE25 130S 210E
39-0004333		DOMESTIC	2.00	NENWNE21 130S 210E	1933	NENWNE21 130S 210E
		STOCK	4.00			
		REC/FISH/WLDF	.10			
39-0004334		STOCK	8.00	SESWSE16 130S 210E	1921	SESWSE16 130S 210E
		REC/FISH/WLDF	.40			
39-0004335		STOCK	8.00	SESWSE16 130S 210E	1921	SESWSE16 130S 210E
		REC/FISH/WLDF	.40			

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
36-0080009	STOCK	STOCK		SPO03
36-0080010	STOCK	STOCK		SPO02
36-0080011	STOCK	STOCK		SPO01
38-0066159	STOCK	STOCK		SPO03
	WILDLIFE	INCIDENTAL		
38-0066160	STOCK	STOCK		SPO02
	WILDLIFE	INCIDENTAL		
38-0066161	STOCK	STOCK		SPO01
	WILDLIFE	INCIDENTAL		
39-0001705	STOCK	STOCK		SPO03
39-0001706	STOCK	STOCK		SPO02
39-0001707	STOCK	STOCK		SPO01
39-0004333	DOMESTIC	CATALOGUED WELL		DMO01
	STOCK	CATALOGUED WELL		
	WILDLIFE	CATALOGUED WELL		
39-0004334	STOCK	CATALOGUED WELL		
	WILDLIFE	CATALOGUED WELL		
39-0004335	STOCK	CATALOGUED WELL		
	WILDLIFE	CATALOGUED WELL		

U S E S

PWR #	LOCATION SECTION TWP RGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMO01	NENWNE21 130S 210E		GROUNDWATER : CATALOGUED		NO	

R E S E R V O I R S

PWR #	LOCATION SECTION TWP RGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SPO01	SWNE25 130S 210E		SURFACE WATER	1972	ANTELOPE #5	STOCKWATERING
SPO02	SENE26 130S 210E		SURFACE WATER	1972	ANTELOPE #4	STOCKWATERING

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SPO02								
SPO03	NENENE27	13OS	21OE		SURFACE WATER	1972	ANTELOPE #3	WILDLIFE STOCKWATERING WILDLIFE

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
DM001	39-0004333	NONE		GROUNDWATER : CATALOGUED
SPO01	39-0001707	36-0080011 38-0066161	1921 36-80011 & 38-66161	SURFACE WATER: SAN PEDRO RIVER
SPO02	39-0001706	36-0080010 38-0066160	1921 36-80010 & 38-66160	SURFACE WATER: SAN PEDRO RIVER
SPO03	39-0001705	36-0080009 38-0066159	1940 36-80009 & 38-66159	SURFACE WATER: SAN PEDRO RIVER
NONE	39-0004334 39-0004335	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
SPO01	MAX. AREA/CAP	3.1				16.2 AF	
SPO02	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	
SPO03	MAX. AREA/CAP	.7				2.1 AF	

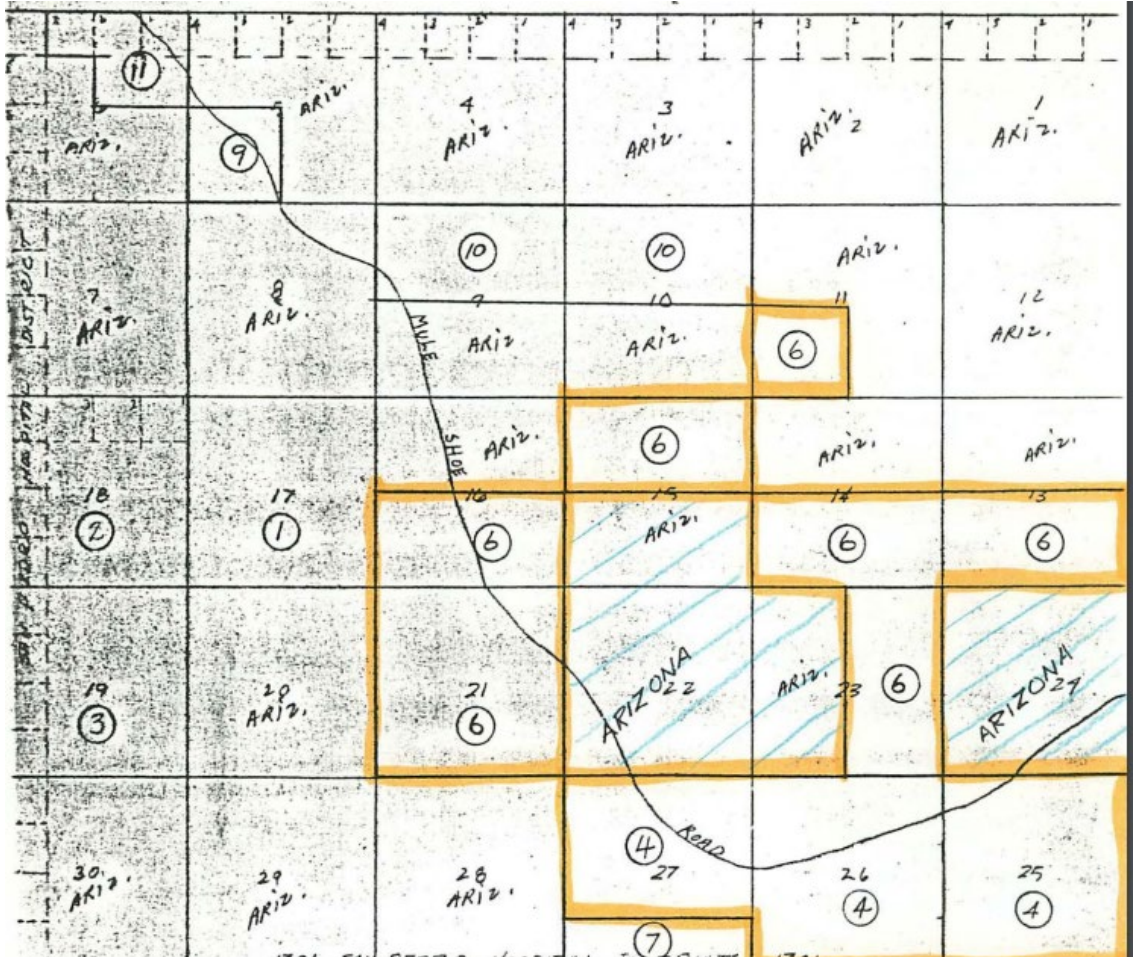
E X P L A N A T I O N

USES AND RESERVOIRS

DM1 - DOMESTIC USE.
SP1 - ANTELOPE #5 STOCKPOND.
SP2 - ANTELOPE #4 STOCKPOND.
SP3 - ANTELOPE #3 STOCKPOND.

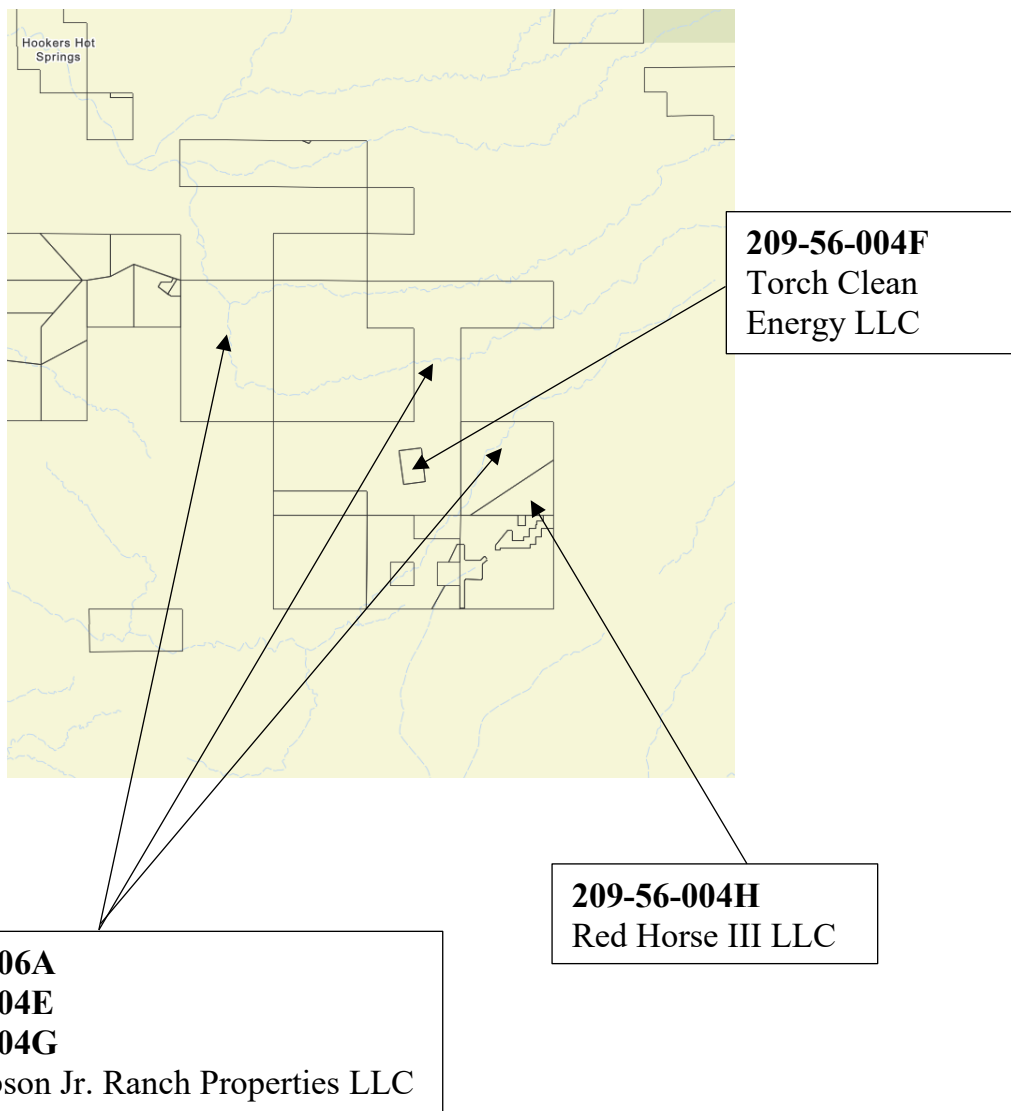
ATTACHMENT D

ADWR Map of Area Investigated



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ATTACHMENT E
Cochise County Assessor Map



ATTACHMENT F

Initial Court-Approved Mailing List

Arizona Department of Water Resources Karen J. Nielsen 1110 West Washington, Suite 310 Phoenix, AZ 85007	Susan B. Montgomery, Robyn Interpreter, Montgomery & Interpreter PLC 3301 E Thunderbird Road Phoenix, AZ 85032
Clerk of the Superior Court Maricopa County Attn: Water Case 601 West Jackson St. Phoenix, AZ 85003	Gila River Indian Community Javier Ramos and Michael Carter Office of the General Counsel P.O. Box 97 Sacaton, AZ 85147
Special Master Sherri Zendri Superior Court of Arizona 201 W. Jefferson Street Courtroom 301 Phoenix, AZ 85003	Merrill C. Godfrey and Brette A. Pena Akin Gump Straus Hauer & Feld LLP 2001 K Street, N.W. Washington, DC 20006
Alexander B. Ritchie San Carlos Apache Tribe Office of the Attorney General PO Box 40 San Carlos, AZ 85550	Thomas C. Peterson P.O. Box 207 Willcox, AZ 85643
Joe P. Sparks and Laurel A. Hermann The Sparks Law Firm, P.C. 7503 First Street Scottsdale, AZ 85251-4573	H.C. Dobson Jr. Ranch Properties LLC c/o Douglas Cook 40 N Center #203 Mesa, AZ 85201
Jeremiah Weiner, Brett J. Stavin, and Jay Lee Rosette, LLP. 120 S. Ash Avenue, Suite 201 Tempe, AZ 85281	Red Horse III LLC c/o CT Corporation System 3800 N. Central Ave Ste 460 Phoenix, AZ 85012
	Torch Clean Energy LLC c/o Travis Haggard 929 Pearl St. Ste 300 Boulder, CO 80302