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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. **W1-11-2755**

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

16 **CONTESTED CASE NAME:** *In re Arizona Chapter of the Nature Conservancy – Double*
17 *R Canyon*

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

19 **DESCRIPTIVE SUMMARY:** The Clerk of Maricopa County Superior Court is directed
20 to initiate W1-11-2755. Parties who wish to pursue this case are ordered to attend an initial
21 conference hearing scheduled for **Tuesday, April 29, 2025, at 10:00am.**

22 **NUMBER OF PAGES:** 13

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

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

25 **Failure to participate may result in dismissal of water rights.**

26 The State of Arizona is currently undergoing a General Stream Adjudication to
27 determine water rights and create an accurate, enforceable record of those rights. In
28 Arizona, surface water, and water pumped from some wells,¹ belong to the general public.

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 An enforceable right to use this “appropriable” water may be acquired after review and
2 approval by Arizona’s General Stream Adjudication Court. This Court has been instructed
3 to evaluate claims to use water in much of the state of Arizona and to determine the date
4 of first use, amount, and type of water use. This process, the “general stream
5 adjudication,” is currently evaluating **COCHISE COUNTY PARCEL Nos. 209-06-001**
6 **and 209-06-006.**

7 This order opens a case to determine rights to use water on the parcels listed above,
8 which the Cochise County Assessor has identified as owned by **The Nature Conservancy**
9 and **Colter and Carly Todd**. Any current landowner who intends to pursue any potential
10 water rights associated with this case must attend the initial status conference scheduled
11 for **Tuesday, April 29, 2025, at 10:00am**. Interested Parties **MUST** attend the scheduled
12 initial conference if they plan to pursue potential water rights. Failure to appear at the
13 initial conference could result in the dismissal of the case and the loss of water rights
14 associated with the property. The conference will be held virtually using the Court
15 Connect program. Instructions for Court Connect are attached as Attachment A.

16 17 **SUMMARY OF CASE**

18 Arizona Department of Water Resources (“ADWR”) records indicate that Stewart
19 Patterson filed Statements of Claimant 39-989 through 39-992 in 1979, claiming stock
20 watering uses on Sections 20, 28, 29, 30, 31, and 32 of Township 12S, Range 21E. The
21 filing of a Statement of Claimant declares an individual’s intent to claim a water right and
22 begins the process of pursuing that water right with the Court.

23 ADWR investigated the claimed water use and issued Watershed File Report No.
24 113-13-022 in 1991. After the Watershed File Report was issued, the public was allowed
25 an opportunity to object to the findings in the report if they believed that there were errors
26 or insufficient documentation. This case will determine water rights existing on the
27 parcels mentioned above and resolve the objections to the Watershed File Report.

28 The Court recognizes that there has been a long delay between the filing of the

1 initial documents and the initiation of this case. Because of this delay, the property has
2 been subdivided. Nonetheless, current landowners may still obtain water rights. Below
3 is a summary of the water use(s) found on the property at the time of the Report:

Use	Associated SOC	Source	Place of Use (T12S, R21E)
Domestic	None	Groundwater	SWNENE Section 31
Stock watering	39-992	Dripping Springs	SWSW Section 29
Stock watering	39-989	Streamflow	NWNWNE Section 30
Stock watering	39-991	Wommac Springs	SENE Section 31
Stock Watering	39-990	Cold Springs	NESWNW Section 32

11 ADWR public records indicate an assignment of the Statements of Claimant listed
12 in the Watershed File Report to the Nature Conservancy, and landowners do not appear to
13 have filed any additional Statements of Claimant since 1991..

14 If a property owner provides proof of the existence of a water right on their
15 property, the court can recognize an enforceable water right in a “Final Decree.” Ariz.
16 Rev. Stat. § 45-257(B). Landowners must present the following in order to acquire a water
17 right:

- 18 A. Earliest evidence of water use on their property.
- 19 B. An accurate Statement of Claimant in their name. Current landowners may
20 fulfill this requirement by either filing a new statement of claimant or
21 obtaining an assignment or amendment of a preexisting statement of claimant.
- 22 C. A basis of right accurately describing the claimed use, e.g. a statement of
23 claim, decree, stockpond registration, or water rights certificate.

24 25 **OBJECTING PARTIES**

26 Objectors to a potential water right must present the Court with a specific
27 statement objecting to specific potential water right attributes. Ariz. Rev. Stat. § 45-
28

1 256(B). The following entities have filed objections in this contested case: the Gila River
2 Indian Community, San Carlos Apache Tribe, Tonto Apache Tribe, the Yavapai-Apache
3 Nation, and the Nature Conservancy.

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

6 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>
7

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9 **ATTACHMENTS TO THIS ORDER:**

10 Attachment A: Instructions on how to appear virtually or telephonically at the
11 **Tuesday, April 29, 2025, at 10:00 a.m.** initial conference.

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

14 Attachment C: Copy of WFR No. 113-13-022.

15 Attachment D: ADWR Water-Use Map.

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

17 Attachment F: Initial Court Approved Mailing List
18

19 **IT IS ORDERED** initiating contested case W1-11-2755, *In re Arizona Chapter of the*
20 *Nature Conservancy – Double R Canyon*, and scheduling an initial conference hearing for
21 **Tuesday, April 29, 2025, at 10:00am.** The initial Court-approved mailing list for this
22 case shall include all parties listed on Attachment F to this order. Any document filed in
23 this case must be served on all parties listed on the Court-Approved Mailing List. The list
24 may be modified only by Court order. Anyone who would like to receive courtesy copies
25 of minute entries and orders may request inclusion on an email list by sending a request
26 to:

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

28 If parties have questions regarding this Order or any of the attachments, please

1 contact the Office of the Special Master, at (602) 372-4115. Please note that staff can only
2 answer administrative questions and cannot provide legal advice.

3 Signed this 26th day of March 2025.

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7 Sherri L. Zendri
8 Special Master
9
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11

12 On March 26, 2025, the original of
13 the foregoing was delivered to the Clerk of the
14 Maricopa County Superior Court for filing and
15 distributing a copy to all persons listed on the
16 Court-approved mailing list for this contested
17 case, a copy of which is attached, and to all persons
18 listed on the Court-approved mailing list for W1,
19 W2, W3, and W4.

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Emily Natale

ATTACHMENT A



Court Connect Hearing Notice for In re Arizona Chapter of the Nature Conservancy – Double R Canyon

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 Arizona Chapter of the Nature Conservancy – Double R Canyon
Contested Case No. W1-11-2755

Start Date/Time: Tuesday, April 29, 2025, at 10:00am.

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

AS OF 10/31/91

LAND OWNER

WATERSHED FILE
REPORT NUMBER

AZ. CHAP. NATURE CONSERV.

113-13-022

PHOTO ID - 17-33 (84)

QUAD 1 - WINCHESTER MOUNTAINS

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
36-0067385		STOCK	65.00				1919	NESE30	120S	210E
36-0067387		STOCK	65.00	SWSW29	120S	210E	1919	SWSW29	120S	210E
36-0067388.0001		STOCK	65.00	SENE31	120S	210E	1919	SENE31	120S	210E
36-0067389		STOCK	65.00	SWNW32	120S	210E	1919	SWNW32	120S	210E
39-0000989		STOCK	65.00	NE30 NENE31	120S 120S	210E 210E	< 1919	NE30 NENE31	120S 120S	210E 210E
39-0000990		STOCK	65.00	SWNW32	120S	210E	< 1919	SWNW32	120S	210E
39-0000991		STOCK	65.00	SENE31	120S	210E	< 1919	SENE31	120S	210E
39-0000992		STOCK	65.00	SWSW29	120S	210E	< 1919	SWSW29	120S	210E

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
36-0067385	STOCK	STOCK		SW002
36-0067387	STOCK	SPRING		SW001
36-0067388.0001	STOCK	SPRING		SW003
36-0067389	STOCK	SPRING		SW004
39-0000989	STOCK	STOCK		SW002
39-0000990	STOCK	SPRING		SW004
39-0000991	STOCK	SPRING		SW003
39-0000992	STOCK	SPRING		SW001

U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DM001	SWNENE31	120S	210E		GROUNDWATER : CATALOGUED		NO	
SW001	SWSW29	120S	210E		SURFACE WATER		NO	DRIPPING SPRINGS
SW002	NWNWNE30	120S	210E		SURFACE WATER		NO	INSTREAM USE
SW003	SENE31	120S	210E		SURFACE WATER		NO	WOMMAC SPRINGS
SW004	NESWNW32	120S	210E		SURFACE WATER		NO	COLD SPRINGS

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	NONE	NONE			GROUNDWATER : CATALOGUED
SW001	39-0000992	36-0067387	1919	FILING 36-67387	SURFACE WATER: SAN PEDRO RIVER
SW002	39-0000989	36-0067385	1919	FILING 36-67385	SURFACE WATER: SAN PEDRO RIVER
SW003	39-0000991	36-0067388.0001	1919	FILING 36-67388.0001	SURFACE WATER: SAN PEDRO RIVER
SW004	39-0000990	36-0067389	1919	FILING 36-67389	SURFACE WATER: SAN PEDRO RIVER

QUANTITIES OF USE

113-13-022

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
DM001							SEE VOLUME 1 - GENERAL ASSESSMENT
SW001							SEE VOLUME 1 - GENERAL ASSESSMENT
SW002							SEE VOLUME 1 - GENERAL ASSESSMENT
SW003							SEE VOLUME 1 - GENERAL ASSESSMENT
SW004							SEE VOLUME 1 - GENERAL ASSESSMENT

EXPLANATION

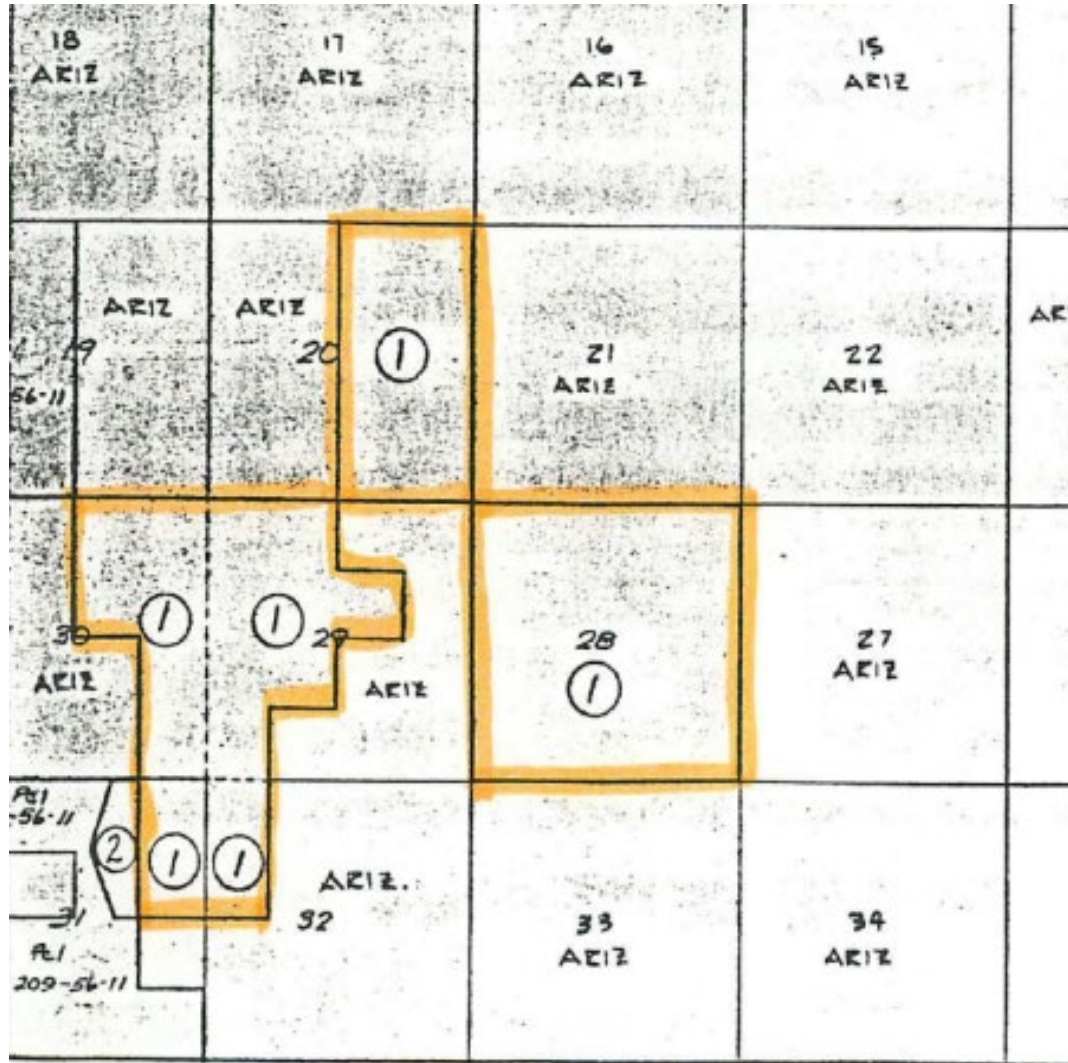
USES AND RESERVOIRS

DM1 - DOMESTIC USE.
 SW1 - STOCKWATERING USE FROM DRIPPING SPRINGS.
 SW2 - STOCKWATERING USE FROM DOUBLE R CANYON STREAM.
 SW3 - STOCKWATERING USE FROM WOMMAC SPRINGS.
 SW4 - STOCKWATERING USE FROM COLD SPRINGS.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

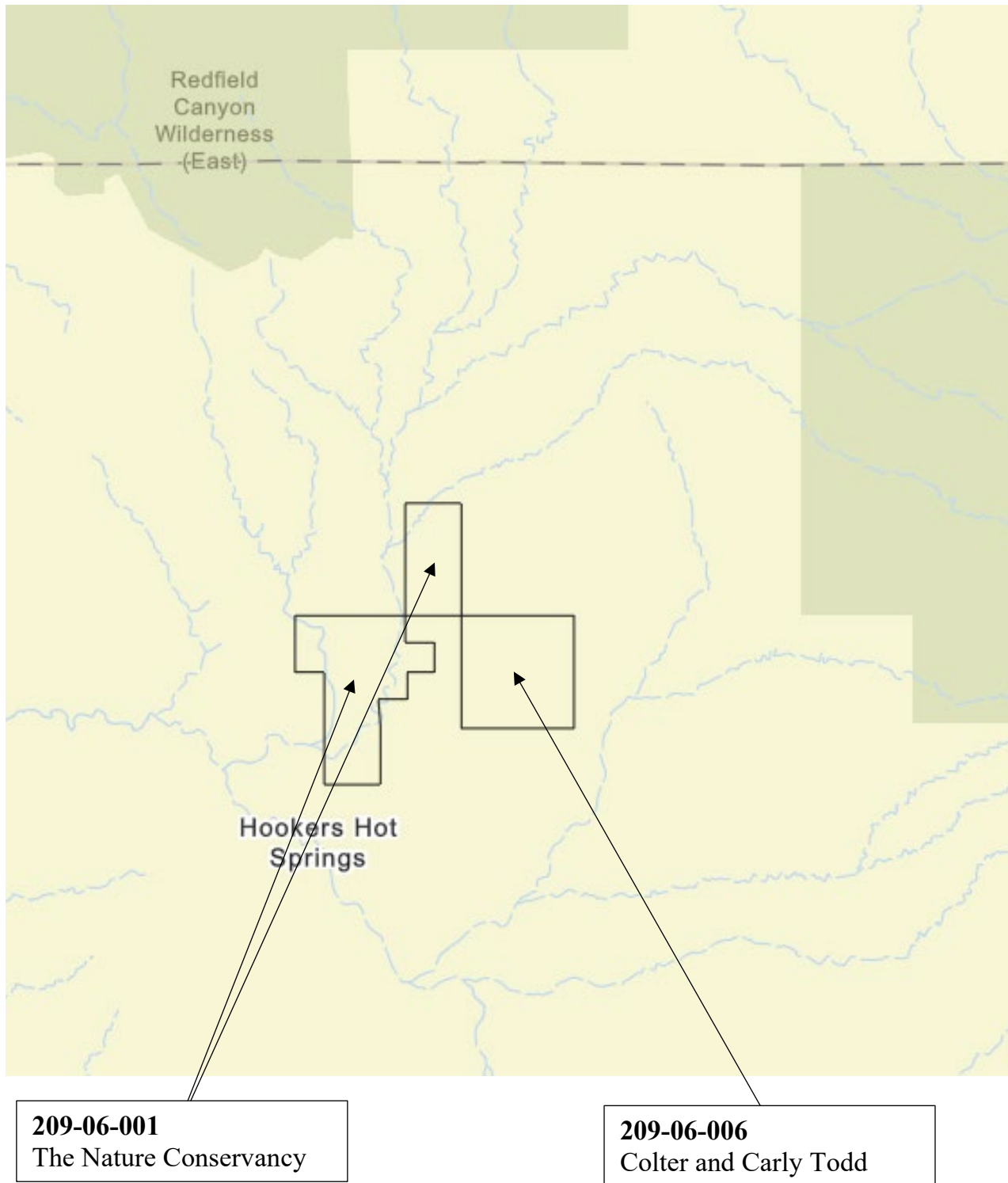
A COMMENT WAS RECEIVED FROM THE LAND OWNER WHICH INDICATED THAT A CHANGE IN OWNERSHIP HAD OCCURRED.

ATTACHMENT D
ADWR Water-Use Map



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ATTACHMENT E
Map of Relevant Tax Parcels



ATTACHMENT F
Initial Court-Approved Mailing List

Arizona Department of Water Resources
Karen J. Nielsen
1110 West Washington, Suite 310
Phoenix, AZ 85007

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

Clerk of the Superior Court
Maricopa County
Attn: Water Case
601 West Jackson St.
Phoenix, AZ 85003

Susan B. Montgomery, Robyn Interpreter,
Montgomery & Interpreter PLC
3301 E Thunderbird Road
Phoenix, AZ 85032

Special Master Sherri Zendri
Superior Court of Arizona
201 W. Jefferson Street
Courtroom 301
Phoenix, AZ 85003

Gila River Indian Community
Javier Ramos and Michael Carter
Office of the General Counsel
P.O. Box 97
Sacaton, AZ 85147

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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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