

1
2
3
4
5
6
7 **ARIZONA GENERAL STREAM ADJUDICATION**
8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
9 **IN AND FOR THE COUNTY OF MARICOPA**

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

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

Contested Case No. **W1-11-3068, W1-11-3076, W1-11-3077, W1-11-3078, and W1-11-3083.**

14
15 **ORDER INITIATING CONTESTED**
16 **CASES, W1-11-3068, W1-11-3076, & W1-**
17 **11-3078**

18 **AND ORDER SCHEDULING**
19 **CONFERENCE FOR CASES W1-11-**
20 **3068, W1-11-3076, W1-11-3077, W1-11-**
21 **3078, and W1-11-3083**

22 **CONTESTED CASE NAME:** *In re Robert M. and Jennie L. Hickson; In re Mary Evelyn Madrigal; In re Willard M. and Faye Daniel; In re Charles and Florence Gillespie; In re Pat V. and Nancy L. Chester.*

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

24 **DESCRIPTIVE SUMMARY:** The Clerk of the Maricopa County Superior Court is directed to initiate contested cases W1-11-3068, W1-11-3076, and W1-11-3078. Jose L. and Mary E. Garcia are directed to attend a conference scheduled for **Tuesday, June 24, 2025, at 9:30 am.** This conference will be held in conjunction with cases W1-11-3077 & W1-11-3083

27 **NUMBER OF PAGES:** 15

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

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

2 **Failure to participate will result in dismissal of potential water rights.**

3 The State of Arizona is currently undergoing a General Stream Adjudication to
4 determine water use rights and create an accurate, enforceable record of those rights. In
5 Arizona, surface water, and water pumped from some wells,¹ belong to the general public.
6 An enforceable right to use this “appropriable” water may be acquired after review and
7 approval by Arizona’s General Stream Adjudication Court. This Court has been instructed
8 to evaluate claims to use water in much of the state of Arizona and to determine the date
9 of first use, amount, and type of water use. This process, the “general stream
10 adjudication,” is currently evaluating **PINAL COUNTY PARCEL Nos. 300-26-043A,**
11 **300-26-043B, Nos. 300-26-053, and 300-26-054** for potential water rights.

12 This court order opens three new cases to determine rights to use water on the
13 parcels listed above, that the Pinal County Assessor has identified these parcels as owned
14 by **Jose L. and Mary E. Garcia**. If the Garcias intend to pursue any potential water rights
15 associated with these cases they **MUST** attend the initial conference scheduled for
16 **Tuesday, June 24, 2025, at 9:30 am.** Failure to appear at the initial conference could
17 result in the dismissal of the cases and the loss of water rights. The conference will be
18 held virtually using the Court Connect program. Instructions for Court Connect are
19 attached as Attachment A.

20
21 **SUMMARY OF THE CASES**

22 Arizona Department of Water Resources (“ADWR”) records indicate that Jose L.
23 Garcia, Daniel M. Willard, and Robert Hickson filed Statements of Claimant 39-328, 39-
24 337, and 39-11694, claiming water for domestic uses. The filing of a Statement of
25 Claimant declares an individual’s intent to claim a water right and begins the process of
26 pursuing that water right with the Court.

27
28 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.

ADWR investigated the claimed water uses and issued Watershed File Report Nos. 114-04-BA-194, 114-04-BA-202, and 114-04-BA-204 in 1991. After the Watershed File Reports were issued, the public was allowed an opportunity to object to the findings in the reports if they believed that there were errors or insufficient documentation. This case will determine water rights existing on the properties associated with the relevant Watershed File Reports and resolve the objections to them.

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 properties may have changed ownership or may have been subdivided. Nonetheless, current landowners may still obtain water rights.

ADWR public records do not contain any assignments of the Statements of Claimant listed in the Watershed File Reports 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.

C. A basis of right accurately describing the claimed use.

If the property owner is able to provide proof to the Court of 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 water right claim must present the Court with a specific statement objecting to specific claimed attributes. Ariz. Rev. Stat. § 45-256(B). The following entities have filed objections in these contested cases:

Objector(s)	Summary of Objections
Gila River Indian Community, San Carlos Apache Tribe, Yavapai-Apache Nation (collectively “the Tribes”)	<ul style="list-style-type: none">Listed water uses interferes with federal reserved rights.Water use rates not claimed.Claims lacks basis of right.
United States, joined by the Tribes	<ul style="list-style-type: none">Claims lacks basis of right.Listed water uses interferes with federal reserved rights.
Jose Luis Garcia (objecting to W1-11-3076 only)	<ul style="list-style-type: none">Location description in the use section of the WFR does not match the location in the applicable filings and decrees section.

Copies of objections in each case can be found under the relevant case name and number on the following website:

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

RELATIONSHIP TO W1-11-3077 and W1-11-3083

On March 26, 2025, the Court initiated W1-11-3077, *In re Jose Luis Garcia*, and W1-11-3083, *In re Pat V. and Nancy L. Chester*.² The properties at issue in W1-11-3077 and W1-11-3083 are adjacent to the properties at issue in W1-11-3068, W1-11-3076, and W1-11-3078. Jose Luis Garcia owns the properties at issue in all five cases, and all five cases concern claims for domestic uses. As a result, the Court will consider W1-11-3068, W1-11-3076, W1-11-3077, W1-11-3078, and W1-11-3083 concurrently.

Mr. Garcia failed to attend the initial conference held on May 1, 2025, for cases W1-11-3078 and W1-11-3083. **Failure to attend the June 24, 2025, conference will**

² W1-11-3077 and W1-11-3083, *Order Initiating Contested Case and Scheduling Initial Conference Hearing* (Mar. 26, 2025)

1 **result in the dismissal of claims associated with contested cases W1-11-3068, W1-11-**
2 **3076, W1-11-3077, W1-11-3078, and W1-11-3083.**

3
4 **ATTACHMENTS TO THIS ORDER:**

5 Attachment A: Instructions on how to appear virtually or telephonically at the
6 **Tuesday, June 24, 2025, at 9:30 am** initial conference.

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

9 Attachment C: Copy of WFR Nos. 114-04-BA-202 and 114-04-BA-204.

10 Attachment D: ADWR map showing land investigated in the WFRs.

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

12 Attachment F: Initial Court Approved Mailing List
13

14 **IT IS ORDERED** initiating contested case W1-11-3068, *In re Robert M. and Jennie*
15 *L. Hickson* ; W1-11-3076, *In re Mary Evelyn Madrigal*, and W1-11-3708, *Willard M. and*
16 *Faye Daniel*, and scheduling an conference for **Tuesday, June 24, 2025, at 9:30 am**. This
17 conference shall be held in conjunction with cases W1-11-3077 and W1-11-3083.
18

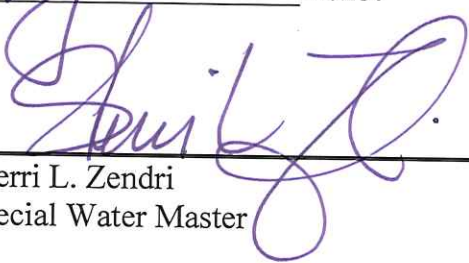
19 The initial Court-approved mailing list for cases **W1-11-3068, W1-11-3076, and W1-**
20 **11-3078** shall include all parties listed on Attachment F to this order. Any document filed
21 in these cases must be served on all parties listed on the Court-Approved Mailing List.
22 The list may be modified only by Court order. Anyone who would like to receive courtesy
23 copies of minute entries and orders may request inclusion on an email list by sending a
24 request to:

25 ***emily.natale@jbazmc.maricopa.gov.***
26

27 If parties have questions regarding this Order or any of the attachments, please
28 contact the Office of the Special Water Master, at (602) 372-4115. Please note that staff

1 can only answer administrative questions and cannot provide legal advice.

2
3 Signed this 30th day of May 2025.

4
5
6 
7 Sherri L. Zendri
Special Water Master

8
9
10
11 On May 30, 2025, the original of
12 the foregoing was delivered to the Clerk of the
13 Maricopa County Superior Court for filing and
14 distributing a copy to all persons listed on the
15 Court-approved mailing list for these contested
cases, a copy of which is attached, and to all
persons listed on the Court-approved mailing list
for W1, W2, W3, and W4.

16 
17 Emily Natale

ATTACHMENT A



Court Connect Hearing Notice

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 Names: *In re Robert M. and Jennie L. Hickson; In re Mary Evelyn Madrigal; In re Willard M. and Faye Daniel; In re Charles and Florence Gillespie; In re Pat V. and Nancy L. Chester.*

Contested Case Nos.: W1-11-3068, W1-11-3076, W1-11-3078, W1-11-3077, W1-11-3083

Start Date/Time: Tuesday, June 24, 2025, at 9:30 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](#)

1
2 **ATTACHMENT B**

3 **General Background on the Water Rights Determination Process in Arizona**

4 A general stream adjudication is a judicial proceeding to determine the quantity and
5 priority of all water rights in a river system. Arizona is undertaking general stream adjudications
6 of both the Gila River and the Little Colorado River systems. A river system includes surface
7 water flowing “in streams or other natural channels,” groundwater sufficiently connected to that
8 surface water, and water (both surface and groundwater) subject to claims by the federal
9 government. Ariz. Rev. Stat. § 45-251(7). Recognizing and respecting water rights and the
10 priority of such rights is important in Arizona where times of drought or water scarcity can
11 occur.

12 All cases begin with the filing of a “Statement of Claimant,” (“SOC”) in which a property
13 owner makes a claim for a right to use surface water on their property. Ariz. Rev. Stat. § 45-
14 254(A). This person is the “claimant.” The SOC contains, among other characteristics, a
15 description of the source and quantity of the water used, the location of use, the location from
16 which the water was diverted, and the date when the water was first put to use. *Id.* § 45-254(C).

17 After the property owner files the SOC, the Arizona Department of Water Resources
18 (“ADWR”) prepares a “Watershed File Report,” (“WFR”) in which ADWR investigates the
19 claims in the SOC and recommends water rights associated with the property. *Id.* § 45-256(B).
20 ADWR compiles all WFRs for a watershed into a comprehensive Hydrographic Survey Report
21 (“HSR”) and publishes the report for public review and comment. In response, other claimants in
22 the Adjudication may file “objections” disputing the information or recommendations in the
23 WFR. The individuals who file objections are called “objectors.”

24 This “contested case”, one of thousands in the Gila River System, will evaluate claims
25 asserted in specific Statements of Claimant while considering objections to the WFR that reported
26 ADWR’s initial inspection of those claims.
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTACHMENT C
Watershed File Reports

AS OF 10/11/91

LAND OWNER	WATERSHED FILE REPORT NUMBER
HICKSON, ROBERT M. & JENNIE L.	U 114-04-BA-194

PHOTO ID - 7-13 (84)

QUAD 1 - SADDLE MOUNTAIN

APPLICABLE FILINGS AND DECREES

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
39-0011694	QUE.RECD	DOMESTIC	.15	16	060S	160E	< 1963	16	060S	160E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0011694	DOMESTIC	DOMESTIC		DM001

U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	CHANGE	FACILITY NAME
DM001	NWSWNW16	060S	160E		GROUNDWATER : ZONE 1		NO	
	SWSWNW16	060S	160E					

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	39-0011694	NONE		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
DM001							SEE VOLUME 1 - GENERAL ASSESSMENT

E X P L A N A T I O N

FILINGS AND DECREES

FILING 39-11694 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH REFLECTS INFORMATION PREVIOUSLY PROVIDED IN THE ORIGINAL STATEMENT OF CLAIMANT.

USES AND RESERVOIRS

DM1 - DOMESTIC USES.

AS OF 10/11/91

LAND OWNER	WATERSHED FILE REPORT NUMBER
MADRIGAL, MARY EVELYN	U 114-04-BA-202
PHOTO ID - 7-13 (84)	QUAD 1 - SADDLE MOUNTAIN

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION TWP RNGE	CLAIM DATE	DIVERSION LOCATION SECTION TWP RNGE
39-0000328	QUE.RECD	DOMESTIC	3.07	SWNW16 060S 160E	1956	SWNW16 060S 160E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0000328	DOMESTIC	DOMESTIC		DM001

USES

PWR #	LOCATION SECTION TWP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE CHANGE	FACILITY NAME
DM001	SWSWNW16 060S 160E		GROUNDWATER : ZONE 1	NO	

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DM001	39-0000328	NONE		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

QUANTITIES OF USE

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

EXPLANATION

FILINGS AND DECREES
FILING 39-328 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH REFLECTS INFORMATION PREVIOUSLY PROVIDED IN THE ORIGINAL STATEMENT OF CLAIMANT.

USES AND RESERVOIRS
DM1 - DOMESTIC USE.

AS OF 10/11/91

LAND OWNER
DANIEL, WILLARD M. & FAYE U 114-04-BA-204
PHOTO ID - 7-13 (84) QUAD 1 - SADDLE MOUNTAIN

WATERSHED FILE
REPORT NUMBER

APPLICABLE FILINGS AND DECREES

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
39-0000337	QUE.RECD	DOMESTIC	1.00	SWSWNW16	060S	160E	1969	SWSWNW16	060S	160E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0000337	DOMESTIC	DOMESTIC		DM001

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DM001	SWSWNW16	060S	160E		GROUNDWATER : ZONE 1		NO	

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
DM001	39-0000337	NONE		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

QUANTITIES OF USE

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

EXPLANATION

FILINGS AND DECREES
FILING 39-337 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH PROVIDED ADDITIONAL INFORMATION ON THE WATER USE AMOUNT AND THE DIVERSION LOCATION.

USES AND RESERVOIRS
DM1 - DOMESTIC USE.

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8



3
4
5
6
7
8

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTACHMENT E

Map Depicting Pinal County Parcel and Subflow Zone



ATTACHMENT F

Initial Court-Approved Mailing List for cases W1-11-3068, W1-11-3076, & W1-11-3078

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

Jeremiah Weiner, Brett J. Stavin, and
Jay Lee
Rosette, LLP.
120 S. Ash Avenue, Suite 201
Tempe, AZ 85281

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

Alexander B. Ritchie
San Carlos Apache Tribe
Office of the Attorney General
PO Box 40
San Carlos, AZ 85550

Merrill C. Godfrey and Brette A. Pena
Akin Gump Straus Hauer & Feld LLP
2001 K Street, N.W.
Washington, DC 20006

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

Jose L. and Mary E. Garcia
PO Box 206
Winkelman, AZ 85292

Joe P. Sparks and Laurel A. Hermann
The Sparks Law Firm, P.C.
7503 First Street
Scottsdale, AZ 85251-4573

Daniel M. Willard
Box 302
Winkelman, AZ 85272

Robert Hickson
HCR Box 3848
Winkelman, AZ 85292