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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 Nos. **W1-11-3077**  
**W1-11-3083**

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

16 CONTESTED CASE NAME: *In re Jose Luis Garcia;*

*In re Pat V. and Nancy L. Chester.*

17 HSR INVOLVED: San Pedro Hydrographic Survey.

18 DESCRIPTIVE SUMMARY: The Clerk of Maricopa County Superior Court is directed  
19 to initiate W1-11-3077 and W1-11-3083. Parties who wish to pursue these cases are  
20 ordered to attend an initial conference hearing scheduled for **Thursday May 1, 2025, at**  
21 **11:00am.**

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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 water rights.**

25  
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

1 Arizona, surface water, and water pumped from some wells,<sup>1</sup> belong to the public. An  
2 enforceable right to use this “appropriable” water may be acquired after review and  
3 approval by Arizona’s General Stream Adjudication Court. This Court has been instructed  
4 to evaluate claims to use water in much of the state of Arizona and to determine the date  
5 of first use, amount, and type of water use. This process, the “general stream  
6 adjudication,” is currently evaluating **PINAL COUNTY PARCEL Nos. 300-26-055,**  
7 **300-26-074, and 300-26-075.**

8 This order opens two cases to determine rights to use water on the parcels listed  
9 above, which the Cochise County Assessor has identified as both owned by **Jose L. and**  
10 **Mary E. Garcia.** Any current landowner who intends to pursue any potential water rights  
11 associated with these cases must attend the initial status conference scheduled **Thursday**  
12 **May 1, 2025, at 11:00 a.m.** Interested Parties **MUST** attend the scheduled initial  
13 conference if they plan to pursue potential water rights. Failure to appear at the initial  
14 conference could result in the dismissal of the case and the loss of water rights associated  
15 with the property. The conference will be held virtually using the Court Connect program.  
16 Instructions for Court Connect are attached as Attachment A.

## 18 **SUMMARY OF CASE**

19 Arizona Department of Water Resources (“ADWR”) records indicate that Jose L.  
20 Garcia and Pat V. Chester filed Statements of Claimant 39-328 and 39-1179, respectively,  
21 in 1979, claiming domestic water uses in Section 16 of Township 6S, Range 16E. The  
22 filing of a Statement of Claimant declares an individual’s intent to claim a water right and  
23 begins the process of pursuing that water right with the Court.

24 ADWR investigated the claimed water use and issued Watershed File Report Nos.  
25 114-04-BA-203 and 114-04-BA-209 in 1991. After the Watershed File Reports were  
26 issued, the public was allowed an opportunity to object to the findings in the reports if  
27

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28 <sup>1</sup> Arizona law includes wells that may be pumping surface water in the General Stream Adjudication and subject to all requirements for surface well use.

they believed that there were errors or insufficient documentation. This case will determine water rights existing on the parcels mentioned above and resolve the objections to the Watershed File Reports. Because the parcels identified in both Watershed File Reports are now owned by the same party, they will proceed through the process together.

The Court recognizes that there has been a long delay between the filing of the initial documents and the initiation of this case. Nonetheless, current landowners may still obtain water rights. Below is a summary of the water use(s) found on the properties at the time of the Reports:

Use	Associated SOC	Source	Place of Use
Domestic	39-328	Groundwater	SWSWNW 16 Township 6S, Range 16E
Domestic	39-1179	Groundwater	NWNWSW 16 Township 6S, Range 16E

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 1991.

If a property owner provides proof 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). 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. Current landowners 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, e.g. a statement of claim, decree, stockpond registration, or water rights certificate.

## **OBJECTING PARTIES**

Objectors to a potential water right must present the Court with a specific

1 statement objecting to specific potential water right attributes. Ariz. Rev. Stat. § 45-  
2 256(B). The following entities have filed objections in these contested cases: the Gila  
3 River Indian Community, San Carlos Apache Tribe, Tonto Apache Tribe, the Yavapai-  
4 Apache Nation, the United States, Salt River Project, and Jose Luis Garcia.

5 Copies of objections in these cases can be found under the relevant case names  
6 and numbers on the following website:

7 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>  
8  
9

10 **ATTACHMENTS TO THIS ORDER:**

11 Attachment A: Instructions on how to appear virtually or telephonically at the  
12 **Thursday May 1, 2025, at 11:00am.** initial conference.

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

15 Attachment C: Copies of WFR Nos. 114-04-BA-203 and 114-04-BA-209.

16 Attachment D: ADWR Water-Use Maps.

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

18 Attachment F: Initial Court Approved Mailing List  
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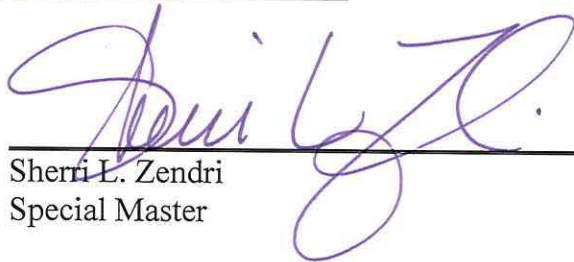
20 **IT IS ORDERED** initiating contested cases W1-11-3077, *In re Jose Luis Garcia*, and  
21 W1-11-3083, *In re Pat V. and Nancy L. Chester*.

22 **IT IS FURTHER ORDERED** scheduling an initial conference hearing for **Thursday**  
23 **May 1, 2025, at 11:00am.** The initial Court-approved mailing list for this case shall  
24 include all parties listed on Attachment F to this order. Any document filed in this case  
25 must be served on all parties listed on the Court-Approved Mailing List. The list may be  
26 modified only by Court order. Anyone who would like to receive courtesy copies of  
27 minute entries and orders may request inclusion on an email list by sending a request to:

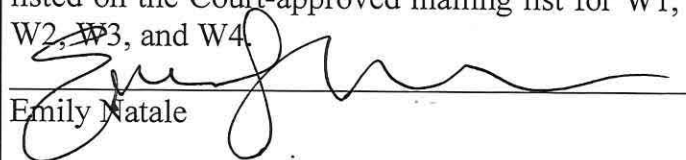
28 ***emily.natale@jbazmc.maricopa.gov.***

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

4 Signed this 26<sup>th</sup> day of March 2025.

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8 Sherri L. Zendri  
9 Special Master

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

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22 Emily Natale  
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## ATTACHMENT A



### **Court Connect Hearing Notice for In re Jose Luis Garcia and In re Pat V. and Nancy L. Chester**

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 Jose Luis Garcia and In re Pat V. Nancy L. Chester**

**Contested Case Nos. W1-11-3077 and W1-11-3083**

**Start Date/Time: Thursday, May 1, 2025, at 11:00am.**

**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*

## **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 Reports**



AS OF 10/11/91

LAND OWNER	WATERSHED FILE REPORT NUMBER
GARCIA, JOSE LUIS	U 114-04-BA-203
PHOTO ID - 7-13 (84)	QUAD 1 - SADDLE MOUNTAIN

## 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
36-0040633		DOMESTIC	.31	SWNW16 060S 160E	1956	SWNW16 060S 160E
36-0042684		DOMESTIC	1.23	SWNW16 060S 160E	1956	SWNW16 060S 160E
39-0000328	QUE.RECD	DOMESTIC	3.07	SWNW16 060S 160E	1956	SWNW16 060S 160E

## 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
36-0040633	DOMESTIC	DOMESTIC		DM001
36-0042684	DOMESTIC	DOMESTIC		DM001
39-0000328	DOMESTIC	DOMESTIC		DM001

## U S E S

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

## 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	39-0000328	36-0040633 36-0042684		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 39-328 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH REFLECTS INFORMATION PREVIOUSLY PROVIDED IN THE ORIGINAL STATEMENT OF CLAIMANT.

## USES AND RESERVOIRS

DM1 - DOMESTIC USE.

LAND OWNER	WATERSHED FILE REPORT NUMBER
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CHESTER, JR., PAT V. & NANCY L.	114-04-BA-209

## 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
36-0061083		DOMESTIC	3.07	16 060S 160E	1961	16 060S 160E
39-0001179	QUE.RECD	DOMESTIC	2.46	NWSW16 060S 160E	1961	NWSW16 060S 160E

## 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
36-0061083	DOMESTIC	DOMESTIC		DM001
39-0001179	DOMESTIC	DOMESTIC		DM001

## U S E S

PWR #	LOCATION SECTION TWNP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE CHANGE	FACILITY NAME
DM001	NWNWSW16 060S 160E		GROUNDWATER : ZONE 1	NO	

## 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	39-0001179	36-0061083		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 39-1179 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH PROVIDED THE WATER USE AMOUNT AND THE DIVERSION LOCATION.

## USES AND RESERVOIRS

DM1 - DOMESTIC USE.





**ATTACHMENT F**  
**Initial Court-Approved Mailing List**

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  
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Sacaton, AZ 85147

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United States Dept. of Justice - ENRD  
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