

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

June 23, 2026

CLERK OF THE COURT

SPECIAL WATER MASTER
SHERRI ZENDRI

A. Parmar
Deputy

FILED: June 25, 2026

In re: the General Adjudication
Of All Rights to Use Water in the
Little Colorado River System and Source

Contested Case No. CV6417-33-5037
In Re: Edward J. Flake

MINUTE ENTRY

Central Court Building – Courtroom 301

10:00 a.m. This is the time set for an Initial Conference to determine whether the landowners are interested in pursuing potential water rights before Special Water Master Sherri Zendri.

The following attorneys and parties appear virtually through Court Connect:

- Landowner, Matthew Fowler, is present on his own behalf
- Karen J. Nielsen and Dustin Rector on behalf of Arizona Department of Water Resources (“ADWR”)
- Garrett Perkins observing on behalf of the Little Colorado River Coalition
- Katrina Wilkinson observing on behalf of the Salt River Project (“SRP”)
- Mark Widerschein observing on behalf of the United States Department of Justice, Environment and Natural Resources Division
- Landowner, Reed Flake, of Flake Ranch LLC, is present on his own behalf

A record of the proceedings is made digitally in lieu of a court reporter.

LET THE RECORD REFLECT that this hearing is held in conjunction with contested case no. CV6417-33-5038 and CV6417-33-5041.

The Special Master addresses the property owners regarding the purpose of this proceeding.

Mr. Fowler (property owner in 5037) informs the Special Master that he owns parcel 202-50-053 in Navajo County and is interested in pursuing a potential water right. He indicates that there is a stockpond close to his property line, but he does not own it. He informs the Special Master that he also has a registered well on his property.

Mr. Flake (property owner in 5038) states that his grandfather filed a claim in 1982 on his parcel, it is owned by Flake Ranch LLC at this time and he is interested in pursuing that claim. The Special Master informs him that he will need to work with ADWR to assign the claims under Flake Ranch LLC.

Both landowners are encouraged to schedule an appointment with ADWR for their particular claims. Contact information for the Special Master's office, the Surface Water Section and the Adjudications Division will be included as a "LATER" at the end of today's Minute Entry.

The Special Master notes that the map currently shows Stockpond 004 on Mr. Fowler's property and requests that ADWR prepare another map.

Mr. Fowler inquires how he should proceed with respect to his registered well. The Special Master indicates that a map will be completed by ADWR in September at which time they will be able to see if the well is in the subflow zone and determine the next steps on how to proceed.

LET THE RECORD REFLECT that Mr. Flake provides an updated address for Flake Ranch LLC on the record this date.

LET THE RECORD FURTHER REFLECT that nobody has appeared on behalf of Mark F. Meyer (property owner in 5041), F Bar Cattle Company (property owner in 5037), or Langley NZ Ranches LLC (property owner in 5037). The Special Master will provide one more opportunity for these landowners to appear in this matter to pursue potential water rights. The information will be included as a "LATER" at the end of today's Minute Entry.

Based on the matters presented,

IT IS ORDERED that Mr. Flake shall assign his claim under Flake Ranch LLC on or before **Wednesday, October 21, 2026**. Mr. Flake may send a letter requesting an extension to the Special Master's Office if necessary.

IT IS FURTHER ORDERED that no later than **August 24, 2026**, ADWR shall prepare and file a map of Navajo County parcels 202-27-003D (F Bar Cattle Company) and 202-50-053 (Fowler) to accurately locate SP004.

10:35 a.m. Matter concludes.

A copy of this minute entry is provided to all parties on the Court approved mailing list.

LATER:

Property owners interested in obtaining potential water rights must participate in the adjudication proceedings.

IT IS ORDERED that if property owners Mark F. Meyer, F Bar Cattle Company, and Langley NZ Ranches LLC remain interested in pursuing whatever potential water right they may have, if any, on their property, they must file notice with this Court in writing by **5:00pm, Friday, September 25, 2026**.

If the Court receives no notice by that date, property owners will be removed from the court approved mailing list and may result in the forfeiture of potential water rights.

The Special Master provides the following information for the convenience of landowners in this contested case.

In Arizona, water found in streams, lakes, ponds, and springs belongs to the public. Public, appropriable waters also include certain groundwater closely related to streams, this water is referred to as subflow. The State of Arizona regulates the use of these public waters under a system called prior appropriation. Under this system, an individual can obtain the right to divert water necessary for a beneficial use on a particular piece of land that he or she owns or occupies. In times of shortage, water is allocated according to right holders' priorities. The earlier that a right holder (or their predecessor) began their beneficial use, the higher the priority of their right. When there is a shortage, one may receive water to the extent that all higher priority users can be satisfied. This court case, called an adjudication, is an effort to determine the characteristics of potential water rights on your property under the prior appropriation system.

To pursue water rights, a property owner must file 1) a Statement of Claimant, and 2) present to the Court evidence of a legal right to the water they claimed on the Statement of Claimant, this is known as a "basis of right". If the property owner proves to the Court the existence of a legal water right on their property, the Court will recognize enforceable water rights in a "Final Decree." ARS § 45-257(B). Parties wishing to move forward with historical water rights claims on their property must ensure Statements of Claimant are current and that legal authorization to use water, also known as the "basis of right," is presented to the Court.

1) Statements of Claimant (“SOCs”)

An SOC is a written statement to the Court that provides details about a landowner or lessee’s water right claim. Statements of claimant are filed with the Arizona Department of Water Resources (“ADWR”). An SOC may already have been filed for your water use. However, the SOC must reflect the current landowner or lessee’s name and contact information as well as the current water use. To update an SOC, parties may make an SOC amendment, obtain an SOC assignment, or file a new SOC. Forms may be found on ADWR’s website at:

<https://www.azwater.gov/adjudications/statement-claimant-new-use-summons-forms>

2) Basis of Right

In order for the Court to recognize a water right, a claimant must also provide proof of legal authorization to use water, i.e. a “basis of right.” ADWR can help you determine if a former landowner or lessee obtained a basis of right for your property. If a basis of right cannot be located for your property, you must file a document with ADWR either registering a water right, applying for a permit to appropriate water, or applying for a stockpond claim of right.

If you can prove that the water right that you are claiming was initiated prior to June 12, 1919, you may present a “statement of claim” registering your claimed water right. See Ariz. Rev. Stat. §§ 45-171, 45-182(A). Note that a statement of claim is a different document than a statement of claimant.

If you cannot prove that your claimed water right was initiated prior to June 12, 1919, you may begin the process of obtaining a basis of right by filing an “application for a permit to appropriate public water” or an “application for a stockpond claim of right,” depending on your use. Ariz. Rev. Stat. §§ 45-152(A), 45-272(C).

If your claim is for a “livestock or wildlife” pond constructed before 1977 and with a capacity less than 15 acre-feet, you may file an “application for a stockpond claim of right.” Ariz. Rev. Stat. §§ 45-271, 45-272. If the claimed water right is for any other use, you may obtain a basis of right only by filing an “application for a permit to appropriate public water.”

Blank forms for statements of claim and the applications described above may be found on the ADWR website at:

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

3) Groundwater Wells

Wells in Arizona are generally considered to be pumping groundwater unless they are within the “subflow zone.” Case law as a result of Arizona’s General Stream Adjudication has developed the legal concept of **subflow** - water that flows underground, but exists so close to, or reacts so directly with, a surface stream that the water is actually a part of that surface stream and not a separately distinguishable groundwater source. In

1993, the Arizona Supreme Court agreed that subflow can be regulated as surface water, and wells located within the subflow zone are presumed to be pumping surface water. Development of the subflow zone for any particular Arizona river system is a multiple year endeavor completed by the Arizona Department of Water Resources (ADWR) with cooperation from the Arizona Geological Survey. The subflow zone delineation for the Silver Creek has not yet been completed. The draft report is due September 4, 2026. Objections to the Subflow Zone Report can be filed through March 3, 2027. Electronic copies of the report will be posted on ADWR's website at:

<https://www.azwater.gov/adjudications>

To receive a water right for a use supplied by groundwater, one must have all wells supplying the use registered with ADWR. Information regarding well registration may be found on ADWR's website at:

<https://www.azwater.gov/permitting-wells/well-forms-and-applications>

4) Stockponds

Arizona Revised Statutes ("A.R.S.") §§ 45-271 through 45-276 describe the requirements for claiming rights to and registering a stockpond.

Contact Information

ADWR:

Adjudications and SOC Processing

- Phone: 1-866-246-1414
- Email: smitchell@azwater.gov
- Web: www.azwater.gov/adjudications

Surface Water Permitting (Basis of Right and Stockponds)

- Phone: 602-771-8621
- Email: surfacewater@azwater.gov
- Web: www.azwater.gov/surface-water/surface-water-overview.

Well Registration

- Phone: 602-771-8527
- Email: wells@azwater.gov
- Web: www.azwater.gov/permitting-wells

Office of the Special Master

- Phone: (602) 372-4115.