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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF APACHE

IN RE THE GENERAL ADJUDICATION
OF ALL RIGHTS TO USE WATER IN
THE LITTLE COLORADO RIVER
SYSTEM AND SOURCE

Civil 6417-33-6898

ORDER TO INITIATE CONTESTED CASE
AND ORDER SETTING STATUS
CONFERENCE

CONTESTED CASE NAME: *In re Virginia P. Stradling*
HSR INVOLVED: Silver Creek Hydrographic Survey
DESCRIPTIVE SUMMARY: The Clerk of Apache County is directed to initiate Civil 6417-33-6898. Status conference set for **May 26, 2023 at 2:00 p.m.**
NUMBER OF PAGES: 13
DATE OF FILING: March 3, 2023

General Explanation

This Order begins the process necessary to adjudicate claims made by Jack G. Peterson for rights to use appropriable water on land now titled in the name of the trustee of the Stradling Survivor's Trust. This contested case is one of the many cases in the Arizona General Stream Adjudication for the Silver Creek Watershed to determine legal rights to water. The purpose of the General Adjudication is to determine the rights of those persons who filed Statements of

1 Claimant for rights to use appropriable water in Arizona, or their successors in interest. The
2 General Adjudication will also determine water rights for the Hopi Reservation, the Navajo
3 Reservation, and other watersheds included in the Little Colorado River Watershed.

4 In this case, Jack G. Peterson filed two Statements of Claimant ("SOCs"): 39-86830 and
5 39-86831 on June 27, 1985. Statement of Claimant 39-86831 claims 1400 acre-feet per year of
6 surface water from Show Low Creek for irrigation use. Statement of Claimant 39-86830 claims
7 130 acre-feet per year of groundwater for domestic use. Statement of Claimant 39-86831 claims
8 use on land described as located in the northwest quarter of Section 24, Township 9 North, Range
9 22 East, and SOC 39-86830 claims use on the southeast quarter of the southeast quarter of the
10 northwest quarter of Section 24 of Township 9 North, Range 22 East.

11
12 The Arizona Department of Water Resources ("ADWR") investigated the claims made
13 by Jack G. Peterson and prepared a report known as Watershed File Report No. 33-56-ACAD-
14 007 ("WFR") published in the Final Silver Creek Watershed Hydrographic Survey Report (1991)
15 ("Silver Creek HSR"). With respect to claim made in SOC 39-86831, ADWR found potential
16 water rights for irrigation use. It also noted a domestic water use but did not reference any
17 documentation that provided a legal basis for the right. A copy of the WFR is attached as
18 Attachment A, and the area of land that was investigated is labeled "(7)" on the map for the WFR,
19 attached as Attachment B.

20
21
22 After ADWR issued the WFR, objections were filed to the findings made in the WFR by
23 the Arizona State Land Department, the United States, Jack G. and V. Scott Peterson, and Salt
24 River Project. On May 29, 1991, the Navajo Nation, the Hopi Tribe, and the San Juan Southern
25 Paiute Tribe joined in the objections to all Watershed File Reports submitted by the United States
26 (the "Joinder"). See Docket No. 454 in Civil No. 6417, Apache County Superior Court. The
27
28

1 purpose of this case is to consider the claims made for water rights, if the landowner identified
2 below desires to pursue those claims that are the subject of the WFR, and resolve the objections
3 to the WFR.

4
5 **Landowners**
6

7 The WFR identified two SOCs relevant to the potential water right: 39-86830 and 39-
8 86831, both filed by Jack G. Peterson. The public records of the Arizona Department of Water
9 Resources do not contain any assignments of the SOCs listed in the WFR.

10 The WFR lists Virginia P. Stradling as the owner of property located within the
11 boundaries of the land investigated by the WFR. Through a warranty deed, described as
12 document no. 2021-24940 by the Navajo County Recorder, Virginia Stradling transferred land
13 included in the description provided by the WFR to Darton Todd Stradling as the trustee of the
14 Survivor's Trust created under the Stradling Living Trust.

15 The records of the Navajo County Assessor indicate that the trustee of the Stradling
16 Living Trust is the current owner of tax parcel no. 212-26-115. This property is described as
17 located in Section 24, Township 9 North, Range 22 East. A copy of the map prepared by the
18 Navajo County Assessor showing the relevant tax parcel is attached as Attachment C.

19
20 **IT IS ORDERED:**

21 1. Contested Case. This contested case shall be known as *In re Virginia P. Stradling*,
22 and it will determine appropriable water rights asserted in the Statements of Claimant and
23 objections that were filed to Watershed File Report No. 033-56-ACAD-007, published in the
24 Final Silver Creek Watershed Hydrographic Survey Report (1991). Copies of objections can be
25 found under the case name and number on the following website:
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27
28

1 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
2 [asp.](#)

3 2. Litigants. The litigants in this contested case are the Claimant, Darton Todd
4 Stradling as the trustee of the Stradling Survivor's Trust created under the Stradling Living Trust,
5 all persons who filed objections to the WFR, and parties who are allowed to intervene by order.
6

7 3. Court-Approved Mailing List.

8 A. The initial Court-approved mailing list for this case shall include all
9 persons listed on Attachment D to this order. The list may be modified
10 only by filing a motion with the Special Master to amend the Court-
11 approved mailing list. Litigants are responsible for using the current
12 Court-approved mailing list.
13

14 B. A copy of any pleading filed with the Clerk of the Apache County
15 Superior Court in this case shall be served upon each person listed on the
16 Court-approved mailing list.

17 C. Claimants wishing to be added or removed from the mailing list shall file
18 a motion with the Special Master. Parties allowed to intervene will be
19 automatically added to the Court-approved mailing list.
20

21 D. The Clerk of the Court will send copies of all minute entries and orders
22 issued in this case to the parties listed on the Court-approved mailing list.

23 E. Claimants who would like to receive courtesy copies of minute entries and
24 orders may request inclusion on an email list by sending a request to
25 emily.natale@jbazmc.maricopa.gov.
26
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1 4. Status Conference. An initial status conference shall be held to determine whether
2 the current landowner intends to pursue claims for rights to appropriable water for irrigation use.

3 The Status Conference shall be held **on May 26, 2023 at 2:00 p.m.** The Status
4 Conference shall be held using the Court Connect program. Instructions for Court Connect are
5 attached as Attachment E. If you receive this Order by email, click on the red box "Join Court
6 Connect Hearing" on the attached instructions to make an appearance. If you do not receive this
7 Order by email, log into the Court Connect program on the internet by typing
8 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend
9 telephonically using the telephone number and access code included in the instructions for Court
10 Connect. Alternatively, you may attend telephonically using the following instructions:

11 Instructions for telephonic appearance:
12 Dial: 602-506-9695 (local)
13 1-855-506-9695 (toll free long distance)
14 Dial Participant Pass Code 357264#
15

16
17 
18 SUSAN WARD HARRIS
19 Special Master
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21

22 On March 3, 2023, the original of the foregoing was delivered
23 to the Clerk of the Apache County Superior Court for filing and
24 distributing a copy to all persons listed on the Court-approved
25 mailing list for this contested case, a copy of which is attached
26 hereto as Attachment D, and to all persons listed on the Court-
27 approved mailing list for CV 6417.

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Emily Natale

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ATTACHMENT A

LAND OWNER	WATERSHED FILE NO.
STRADLING, VIRGINIA P.	033-56-ACAD-007

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 SECTION	LOCATION TWNP	RNGE
36-0066709		IRRIGATION STOCKWATERING	350.00	24	090N	220E	1907	SWNW09	090N	230E
36-0066710		IRRIGATION STOCKWATERING	350.00	24	090N	220E	1907	SWSW18	090N	230E
36-0066711		IRRIGATION STOCKWATERING	700.00	24	090N	220E	1907	NWNW19	090N	230E
39-0086830		DOMESTIC	130.00	SESENW24	090N	220E	< 1971	SESENW24	090N	220E
39-0086831		IRRIGATION OTHER	1400.00 1400.00	NW24	090N	220E	< 1907	NW19	090N	230E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
36-0066709	IRRIGATION STOCKWATERING	IRRIGATION INCIDENTAL		IROO1
36-0066710	IRRIGATION STOCKWATERING	IRRIGATION INCIDENTAL		IROO1
36-0066711	IRRIGATION STOCKWATERING	IRRIGATION INCIDENTAL		IROO1
39-0086830	DOMESTIC	DOMESTIC		DMOO1
39-0086831	IRRIGATION STOCKWATERING REC/FISH/WLDF	IRRIGATION INCIDENTAL INCIDENTAL	DO1	IROO1

DIVERSIONS

DIV #	LOCATION SECTION TWNP RNGE	DRAINAGE AREA/ WATER SOURCE NAME	DIVERSION NAME	REMARKS
DO1	NWNENE24 090N 220E	SHOW LOW CREEK	PETERSON TANK	SHARED

USES

PWR #	LOCATION SECTION TWNP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCE	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	SWSENW24 090N 220E		GROUNDWATER		NO	
IROO1	SWNW24 090N 220E	DO1	SURFACE	1935	NO	

SHARED USES AND DIVERSIONS

** WATER FROM DO1 FOUND IN FILE (033-56-7) IS USED IN THIS FILE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	** APPARENT FIRST USE DATE	DATA SOURCE	DRAINAGE AREA/ WATER SOURCE NAME
DMOO1	39-0086830	NONE			GROUNDWATER
IROO1	39-0086831	36-0066709 36-0066710 36-0066711	1907	36-66709 & 36-66710	SHOW LOW CREEK

PWR #	QUANTIFICATION TYPE	APPLICABLE ACREAGE/SURFACE AREA (ACRES)	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1					SEE VOLUME 1
IROO1	AVG. EFFICIENT	6.2	5.5 AF/AC	34.1 AFA	
	MAXIMUM ANNUAL	6.2	2.8 AF/AC	17.3 AFA	DEFICIT IRRIGATION

E X P L A N A T I O N

FILINGS AND DECREES

FILINGS 39-86831, 36-66709, 36-66710 & 36-66711 CLAIM SEVERAL SPRINGS (PETERSON, LOG CABIN AND TREE) ON FOREST SERVICE LAND (REFER TO W.F.R. #039-56-1) THAT SUPPLY FLOW THROUGH A NATURAL CHANNEL TO PETERSON TANK (REFER TO W.F.R. #'S 033-56-ACAD-2 & 033-56-7).

DIVERSIONS

D1 - DIVERSION FROM PETERSON TANK LOCATED ON AN UNNAMED TRIBUTARY TO PORTER CREEK, WITHIN THE SHOW LOW CREEK DRAINAGE AREA.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.
 IR1 - IRRIGATED PASTURE.

ATTACHMENT C

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ATTACHMENT D

1
2
3 Arizona Department of Water Resources
4 Kimberly R. Parks and Kome Akpolo
5 1110 West Washington, Suite 310
6 Phoenix, AZ 85007

Jack G. and V. Scott Peterson
P.O. Box 13
Lakeside, Arizona 85929

7 Arizona State Land Department
8 Carrie Brennan and Kevin Crestin
9 Arizona Attorney General
10 Natural Resources Section
11 2005 North Central
12 Phoenix, AZ 85004

Salt River Project
J. B. Weldon, M. A. McGinnis, M. K. Foy
Salmon, Lewis & Weldon
2850 E. Camelback Rd. Suite 200
Phoenix, AZ 85016

13 Clerk of the Superior Court
14 Apache County
15 P. O. Box 365
16 St Johns, AZ 85936

San Juan Southern Paiute Tribe
J. Kolsrud, I. Fimbres-Ruiz, K. Shaffer
May, Potenza, Baran & Gillespie, PC
1850 N. Central Avenue, Ste 1600
Phoenix, AZ 85004-4633

17 Darton Todd Stradling, Trustee
18 Stradling Survivor's Trust
19 930 E. Kramer St.
20 Mesa, AZ 85203

Special Master Susan Ward Harris
Superior Court of Arizona
201 W. Jefferson Street
Courtroom 301
Phoenix, AZ 85003

21 Hopi Tribe
22 Office of the General Counsel
23 PO Box 123
24 Kykotsmovi, AZ 86039

U. S. Department of Justice
Andrew Guarino
Vanessa Boyd Willard
999 18th Street, Suite 370
Denver, CO 80202

25 C. Campbell, P. Londen, P. Bowman
26 OSBORN MALEDON, P.S.
27 2929 North Central Avenue, Ste. 2100
28 Phoenix, AZ 85012

United States of America
P. O. Box 607
Albuquerque, New Mexico 87103

Navajo Nation Department of Justice
Stanley M. Pollack, Doreen N. McPaul,
And Rodgerick T. Begay
P. O. Drawer 2010
Window Rock, AZ 86515-2010

Mark J. Widerschein
US Dept of Justice – ENRD
Natural Resources Section
PO Box 7611
Washington, DC 20044

J. Leonard, J. Dworkin, K. Hoover
SACKS TIERNEY P.A.
4250 N. Drinkwater Blvd. 4th Floor
Scottsdale, AZ 85251

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ATTACHMENT E



Court Connect Hearing Notice for In re Virginia P. Stradling

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 Virginia P. Stradling, Contested Case No. CV6417-33-6898

Start Date/Time: May 26, 2023 at 2:00 p.m.

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](#)

