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

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

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

Contested Case No. **W1-11-1823**

**ORDER INITIATING CONTESTED
CASE AND SETTING INITIAL
CONFERENCE**

CONTESTED CASE NAME: *In re Marvin E. and Dona M. Arthur*
HSR INVOLVED: San Pedro Hydrographic Survey.
DESCRIPTIVE SUMMARY: The Clerk of Maricopa County Superior Court is directed to initiate W1-11-1823. Initial conference set for **Tuesday, October 8, 2024, at 11:30 am.**
NUMBER OF PAGES: 13

General Explanation

This order opens a case to determine rights to use water on land that the Cochise County Assessor has identified as owned by Marvin E. Arthur and Margaret A. and Russell T. Gingras. The first step in this case is an initial conference with the Court, scheduled for **Tuesday, October 8, 2024, at 11:30 a.m.** to determine if each landowner is interested in pursuing water rights claims. Each current landowner **MUST** attend the scheduled initial conference if they plan to pursue water rights claims. Failure to appear

1 at the initial conference could result in the dismissal of the case and the loss of potential
2 surface water rights.

3 In this case, Marvin E. Arthur ('Claimant') filed Statement of Claimant ('SOC') 39-
4 6515 to assert claims to use water on land that appears to comprise the Cochise County
5 tax parcels 208-61-012A and 208-61-012E.

6 During the initial conference, each current landowner must state whether he or she
7 intends to pursue water rights claims.

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9 **Additional background information on the process for determining water**
10 **rights in Arizona can be found on Attachment A.**

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12 **Details of the Case**

13 Statement of Claimant ('SOC') 39-6515 contains the following claim(s):

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Use	Quantity	Source	Location
Domestic	2 acre-feet annually	Groundwater	SENENW28 T16S, R20E
Irrigation	No quantity claimed	Groundwater	SENENW28 T16S, R20E
Stock watering	No quantity claimed	Groundwater	SENENW28 T16S, R20E

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18 The Arizona Department of Water Resources ("ADWR") investigated the claims
19 made by the Claimant and prepared Watershed File Report ("WFR") 112-17-BA-011,
20 published in the Final San Pedro Watershed Hydrographic Survey Report (1991)
21 ("HSR"). The WFR recorded a single domestic use at SWNENW Section 28 T16S, R20E,
22 but did not report a quantity of use.

23 A copy of the WFR is attached as Attachment B. A map, prepared by ADWR,
24 showing the area investigated is attached as Attachment C.

25 After ADWR issued the WFR, objections were filed to the findings made in the
26 WFR by Gila River Indian Community, San Carlos Apache Tribe, Tonto Apache Tribe,
27 Yavapai-Apache Nation, and the United States. The objections are summarized in the
28 table below.

Objector(s)	Summary
Gila River Indian Community, San Carlos Apache Tribe, Tonto Apache Tribe, Yavapai-Apache Nation, United States	<ul style="list-style-type: none"> • Water claimed depletes water for federal and Indian rights • Absence of well registration filing • Absence of water use rate • Absence of basis of right • Quantity missing from SOC.

The purpose of this case is to consider the claims in SOC 39-6515 and to resolve the objections to WFR No. 112-17-BA-011.

Claimant and Landowners

WFR 112-17-BA-011 lists Marvin E. and Dona M. Arthur as the owner(s) of the property investigated in 1990. According to maps obtained from the Cochise County Assessor’s ('Assessor') website, the land investigated appears to comprise parcels 208-61-012A and 208-61-012E.

A copy of the map showing the relevant tax parcels and current ownership is attached as Attachment D. The public records of ADWR do not contain any assignments of the SOC listed in the WFR. Further, landowners do not appear to have filed any additional SOCs since the issuance of the HSR.

In order to obtain a decreed water right, each property owner must present to the Court an SOC claiming a water right and evidence of that right. This evidence may include the relevant WFR. Further, property owners must ensure that all water rights claims are paired with the appropriate basis of right, e.g. a statement of claim, decree, stockpond registration, or water rights certificate.

If either the property owner proves to the Court the existence of a water right on their property or enters into a valid settlement approved by the Court, the court will recognize an enforceable water right in a “Final Decree.” Ariz. Rev. Stat. § 45-257(B).

This is an order from the Court, and all parties must comply with the following instructions. The failure to obey this, or any, court order may result in the dismissal of this case and the loss of potential surface water rights. If you have questions regarding

1 this Order or any of the attachments, please contact the General Stream Adjudication,
2 Office of the Special Water Master, at (602) 372-4115. Please note that staff can only
3 answer administrative questions and cannot provide legal advice.
4

5 **IT IS ORDERED:**

6 **1. Case Initiation.** This order initiates contested case W1-11-1823, In re Marvin
7 E. and Dona M. Arthur. This case will resolve claims to use appropriable water
8 asserted in Statement(s) of Claimant 39-6515 and objections that were filed to
9 Watershed File Report No. 112-17-BA-011.

10 **2. Initial Conference.** An initial conference shall be held on **Tuesday, October**
11 **8, 2024, at 11:30 a.m.** to determine whether each current landowner intends to
12 pursue claims for water rights. The conference will be held using the Court
13 Connect program. Instructions for Court Connect are attached as Attachment F. If
14 you receive this Order by email, click on the red box “Join Court Connect Hearing”
15 on the attached instructions to make an appearance. If you do not receive this
16 Order by email, log into the Court Connect program on the internet by typing
17 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet,
18 you may attend telephonically using the telephone number and access code
19 included in the instructions for Court Connect.

20 **3. Parties.** The litigants in this contested case are the claimant(s), the current
21 landowner(s), and all parties who filed objections to the Watershed File Report.
22 The objector(s) in this case are Gila River Indian Community, San Carlos Apache
23 Tribe, Tonto Apache Tribe, Yavapai-Apache Nation, and the United States.

24 **4. Objections.** Copies of objections filed to this case can be found under the
25 respective case names and numbers on the following website:
26 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudicati>
27 [on/whatsNew.asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp).
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5. Court-Approved Mailing List.

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

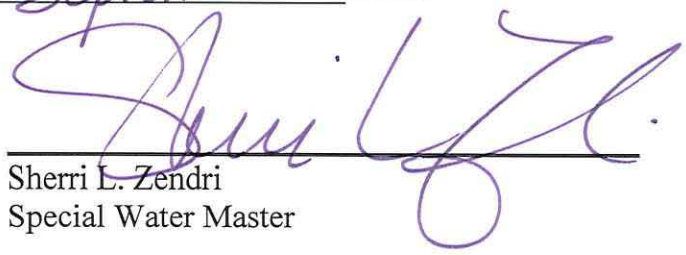
B. A copy of any pleading filed with the Clerk of the Maricopa County Superior Court in this case shall be served upon each person listed on the Court-approved mailing list.

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

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

E. Claimants who would like to receive courtesy copies of minute entries and orders may request inclusion on an email list by sending a request to emily.natale@jbazmc.maricopa.gov.

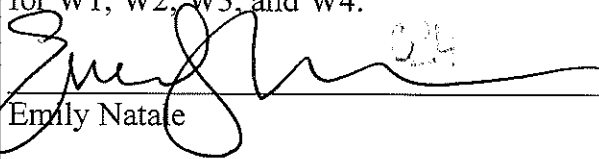
Signed this 9th day of September 2024.



Sherri L. Zendri
Special Water Master

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On September 9, 2024, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for this contested case, a copy of which is attached, and to all persons listed on the Court-approved mailing list for W1, W2, W3, and W4.


Emily Natale

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ATTACHMENT A

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 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 SOCs contain, 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 SOCs, the Arizona Department of Water Resources (“ADWR”) prepares a “Watershed File Report,” (“WFR”) in which ADWR investigates the claims in the SOCs 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 B
Watershed File Report

AS OF 10/11/91

LAND OWNER

 ARTHUR, MARVIN E.
 & DONA M.

WATERSHED FILE
 REPORT NUMBER

 U 112-17-BA-011

PHOTO ID - 176-25-D QUAD 1 - GALLETA FLAT EAST

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 SECTION	LOCATION TWNP	RNGE
39-0006515	QUE.RECD	IRRIGATION DOMESTIC STOCK	2.00	SENENW28	160S	200E	1980	SENENW28	160S	200E

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
39-0006515	IRRIGATION DOMESTIC STOCK	INCIDENTAL DOMESTIC INCIDENTAL		DM001

U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE	FACILITY NAME
DM001	SWNENW28	160S	200E		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	39-0006515	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

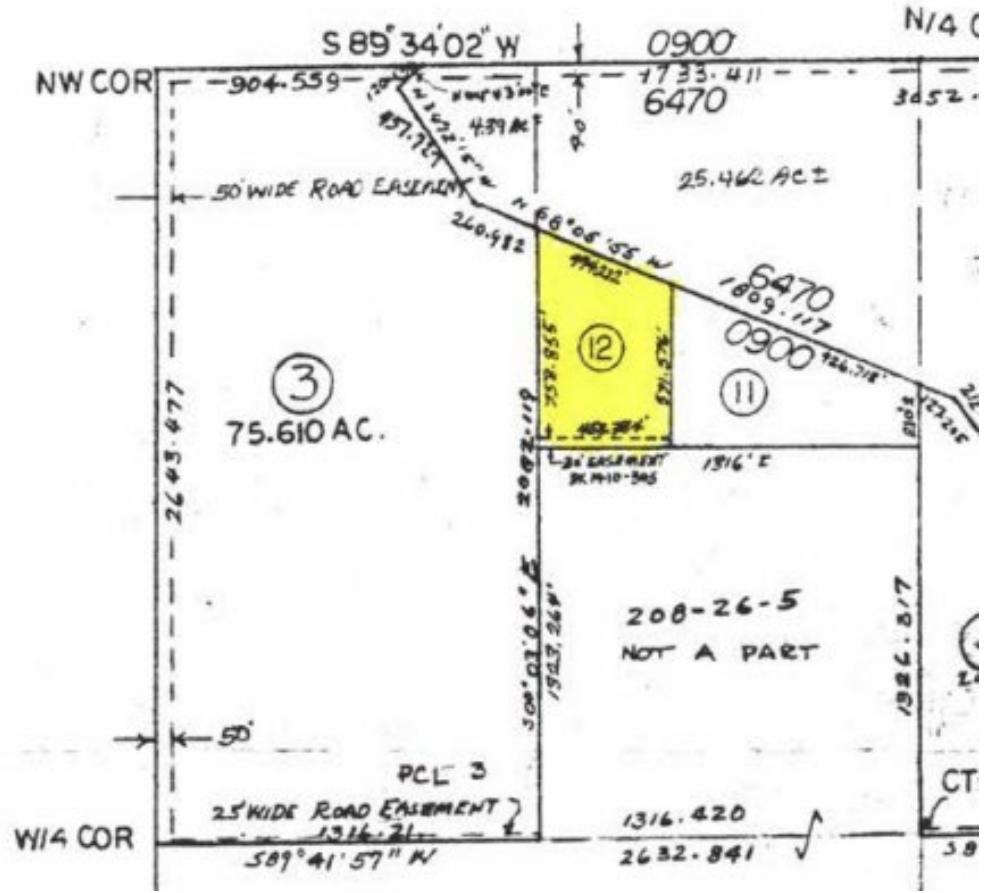
FILINGS AND DECREES
 FILING 39-6515 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH REFLECTS INFORMATION PREVIOUSLY PROVIDED IN THE ORIGINAL STATEMENT OF CLAIMANT.

USES AND RESERVOIRS
 DM1 - DOMESTIC WATER USE INCLUDES IRRIGATION TOTALING LESS THAN ONE-HALF ACRE AND STOCKWATERING USES WITHIN GROUNDWATER ZONE 1 OF THE SAN PEDRO RIVER.

ATTACHMENT C

Area Investigated by ADWR

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ATTACHMENT D

Assessor Parcel Map

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ATTACHMENT E

Initial Court-Approved Mailing List

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Arizona Department of Water Resources Kimberly R. Parks and 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 Sunshine Manuel Office of the General Counsel P.O. Box 97 Sacaton, AZ 85147
Laura Boyer & Maggie Woodward U. S. Department of Justice – ENRD P.O. Box 7611, Ben Franklin Station Washington, DC 20044	Merrill C. Godfrey and Brette A. Pena Akin Gump Straus Hauer & Feld LLP 2001 K Street, N.W. Washington, DC 20006
Alexander B. Ritchie San Carlos Apache Tribe Office of the Attorney General PO Box 40 San Carlos, AZ 85550	Marvin E. Arthur Box 319 Benson, AZ 85602
Joe P. Sparks and Laurel A. Hermann The Sparks Law Firm, P.C. 7503 First Street Scottsdale, AZ 85251-4573	Margaret A. and Russell T. Gingras 8625 Shippy Rd. SW Fife Lake, MI 49633-9211

ATTACHMENT F



Court Connect Hearing Notice for In re Marvin E. and Dona M. Arthur

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 Marvin E. and Dona M. Arthur

Contested Case No. W1-11-1823

Start Date/Time: Tuesday, October 8, 2024, at 11:30 a.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](#)