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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 6417-33-7123

ORDER TO INITIATE CONTESTED CASE  
AND ORDER SETTING STATUS  
CONFERENCE

CONTESTED CASE NAME: *In re FS-Apache Sitgreaves National Forest – AZ Game & Fish*

HSR INVOLVED: Silver Creek Hydrographic Survey

DESCRIPTIVE SUMMARY: The Clerk of Apache County is directed to initiate Civil 6417-33-7108. Status conference set for **March 2, 2023 at 2:15 p.m.**

NUMBER OF PAGES: 13

DATE OF FILING: November 4, 2022

**General Explanation**

This Order begins the process necessary to adjudicate claims made for rights to appropriable water diverted from land that the Apache County Assessor has identified as owned by the United States and managed by the United States Forest Service. The purpose of the

1 General Adjudication is to determine the rights of those persons who filed Statements of  
2 Claimant for rights to use appropriable water in Arizona.

3 In this case, the Arizona Game and Fish Department (“Claimant”) filed Statement of  
4 Claimant (“SOC”) 39-88150 on September 30, 1985, for rights to use water on land owned by  
5 the State of Arizona in the northeast quarter of the northwest quarter of Section 4 T8N R23E.  
6 The SOC listed N2NE Section 4 T8N R23E as the point of diversion and Pinetop Springs,  
7 tributary to Billy Creek, as the source of the water. The Arizona Game and Fish Department  
8 claimed 1,809.95 acre-feet of water per year, with a maximum flow rate of 2.5 cubic feet per  
9 second (“cfs”).  
10

11 The Arizona Department of Water Resources (“ADWR”) investigated the claims made  
12 by the Arizona Game and Fish Department and prepared a report known as Watershed File  
13 Report No. 33-56-DAB-17 (“WFR”) published in the Final Silver Creek Watershed  
14 Hydrographic Survey Report (1991) (“Silver Creek HSR”). A copy of the WFR is attached as  
15 Attachment A. The parcel of land investigated is labeled “(17)” and appears on the map for the  
16 WFR, attached as Attachment B. Arizona Department of Water Resources found that water was  
17 diverted from Billy Creek Diversion and the Pinetop Springs Diversion for a hatchery operated  
18 by the Arizona Game and Fish Department. No record exists of objections to the WFR.  
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21 The WFR lists the Forest Service as the owner of the land investigated. The records of  
22 the Navajo County Assessor indicate that the United States Forest Service owns tax parcel no.  
23 411-56-015. A copy of the map prepared by the Navajo County Assessor showing tax parcel no.  
24 411-56-015 is attached as Attachment C. A survey of the Apache Sitgreaves National Forest,  
25 attached as Attachment D, shows the borders of the relevant federal lands as they existed in 1982.  
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1 **IT IS ORDERED:**

2 1. Contested Case. This contested case shall be known as *In re FS-Apache*  
3 *Sitgreaves National Forest – AZ Game & Fish*, and it will adjudicate those appropriable water  
4 rights asserted in the Statement of Claimant.

5 2. Litigants. The litigants in this contested case are the Claimant, the United States  
6 and parties who are allowed to intervene by order.

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

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

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

21 E. Claimants who would like to receive courtesy copies of minute entries and  
22 orders may request inclusion on an email list by sending a request to  
23 emily.natale@jbazmc.maricopa.gov.  
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1           4.     Status Conference. An initial status conference, the Forest Service shall be  
2 prepared to identify the land that it owns within the boundaries of the land included in WFR 33-  
3 56-DAB-17. The Arizona Game and Fish Department shall be prepared to identify the sources  
4 and places of water it seeks to divert for a hatchery.

5           The Status Conference shall be held **on March 2, 2023 at 2:15 p.m.** The Status  
6 Conference shall be held using the Court Connect program. Instructions for Court Connect are  
7 attached as Attachment F. If you receive this Order by email, click on the red box “Join Court  
8 Connect Hearing” on the attached instructions to make an appearance. If you do not receive this  
9 Order by email, log into the Court Connect program on the internet by typing  
10 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend  
11 telephonically using the telephone number and access code included in the instructions for Court  
12 Connect. Alternatively, you may attend telephonically using the following instructions:  
13

14  
15 Instructions for telephonic appearance:  
16 Dial: 602-506-9695 (local)  
17 1-855-506-9695 (toll free long distance)  
18 Dial Participant Pass Code 357264#

19   
20 SUSAN WARD HARRIS  
21 Special Master

22 On November 4, 2022, the original of the foregoing was  
23 delivered to the Clerk of the Apache County Superior Court for  
24 filing and distributing a copy to all persons listed on the Court-  
25 approved mailing list for this contested case, a copy of which is  
26 attached hereto as Attachment D, and to all persons listed on the  
27 Court-approved mailing list for CV 6417.

28   
Emily Natale

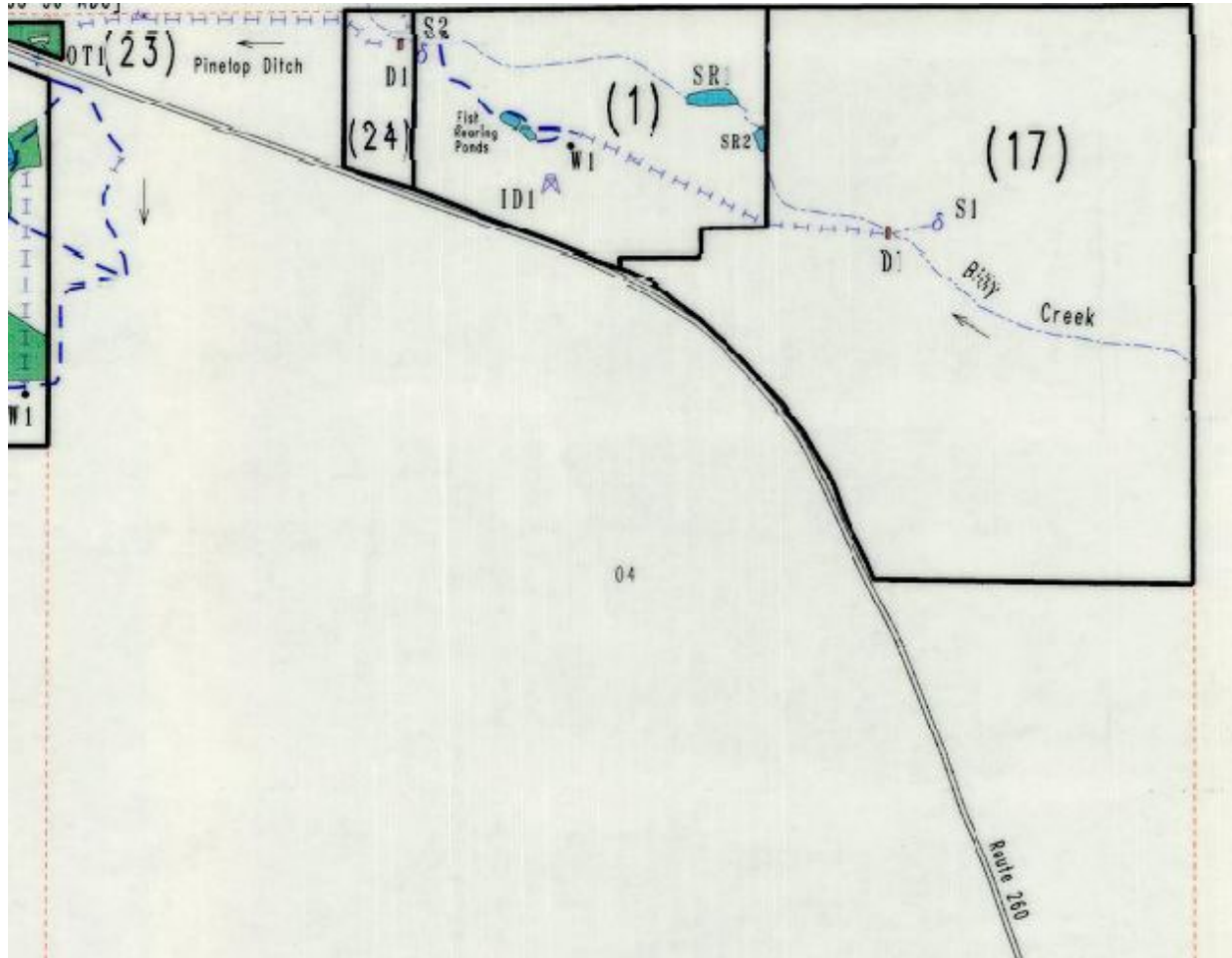
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# **ATTACHMENT A**



# ATTACHMENT B

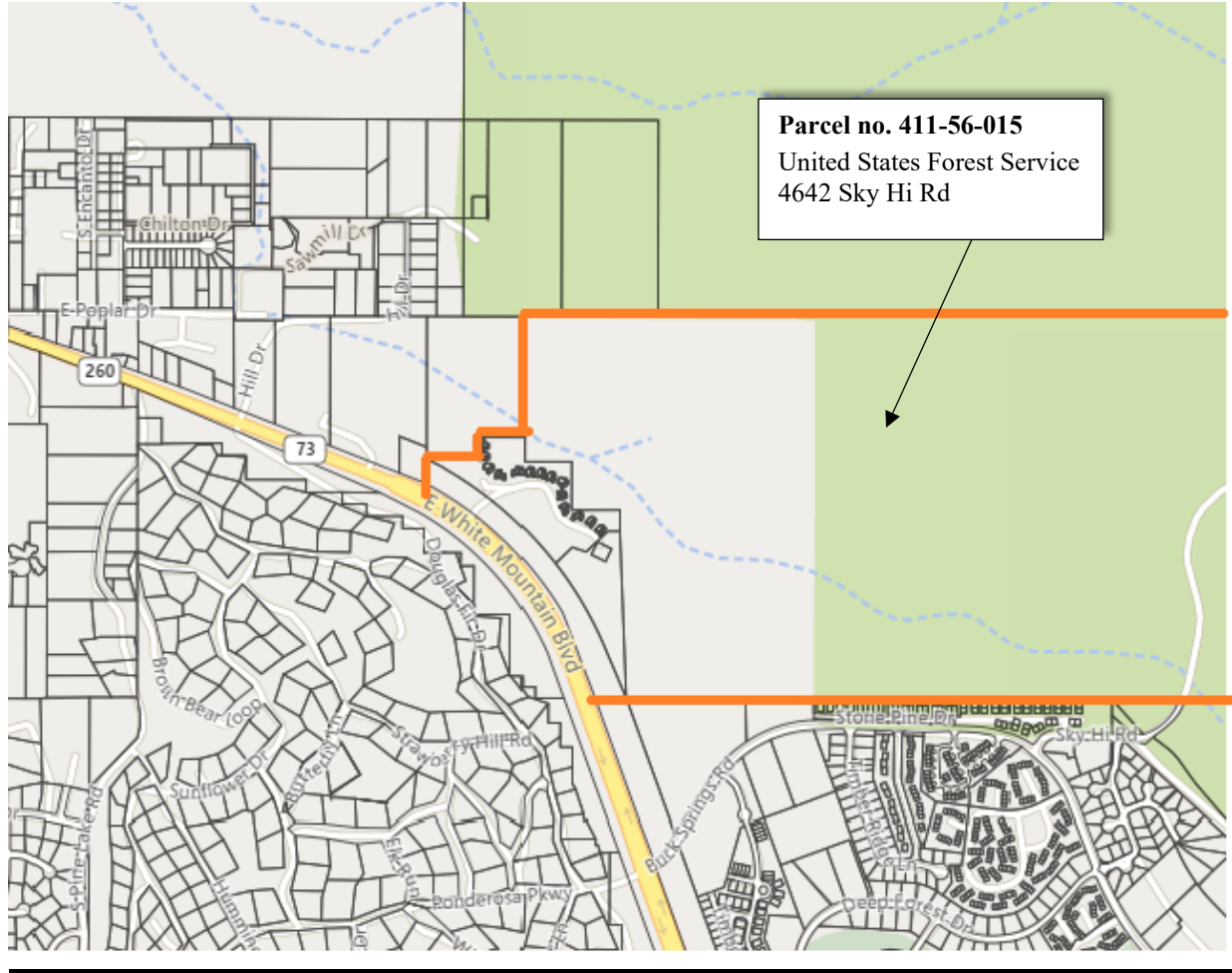
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# ATTACHMENT C

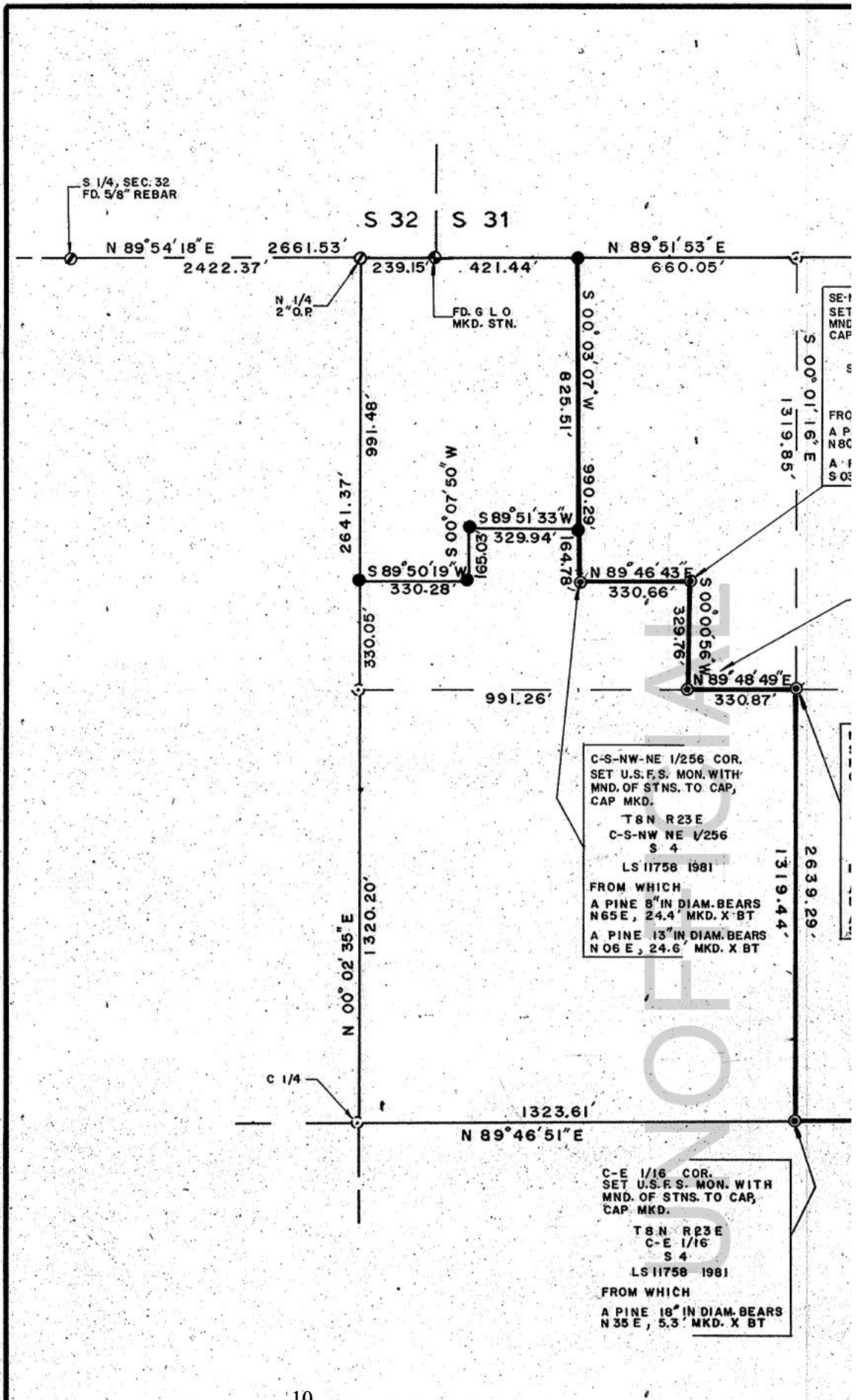
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# **ATTACHMENT D**



# ATTACHMENT E

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Arizona Department of Water Resources  
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Phoenix, AZ 85007

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Habitat Branch-Land & Water Program  
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# **ATTACHMENT F**



## Court Connect Hearing Notice for In re FS-Apache Sitgreaves National Forest – AZ Game & Fish

*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 FS-Apache Sitgreaves National Forest – AZ Game & Fish

**Contested Case No.** CV6417-33-7123

**Start Date/Time:** March 2, 2023 at 2:15 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](#)

