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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

**CV6417**

Case: **CV6417-33-5591**

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

CONTESTED CASE NAME: *In re Uno and Marianne E. Kula*  
HSR INVOLVED: Silver Creek Hydrographic Survey.  
DESCRIPTIVE SUMMARY: The Clerk of Apache County Superior Court is directed to initiate CV 6417-33-5591. Initial conference set for **March 27, 2024 at 9:30 a.m.**  
NUMBER OF PAGES: 12

**General Explanation**

This order opens a case to determine rights to use water on land that the Navajo County Assessor has identified as owned by Gary and Susie Hubbard. The first step in this case is an initial conference with the Court, scheduled for **March 27, 2024 at 9:30 a.m.** to determine if landowners are interested in pursuing potential water rights. Interested Parties **MUST** attend the

1 scheduled initial conference if they plan to pursue potential water rights. Failure to appear at the  
2 initial conference could result in the dismissal of the case and the loss of water rights associated  
3 with the properties.

4 In this case, Uno Kula filed Statement of Claimant (“SOC”) 39-82173 on June 22, 1982,  
5 to assert claims to use water on land that appears to include Navajo County tax parcels 409-02-  
6 006A. This parcel is currently owned by Gary and Susie Hubbard.

7 The first step in this case will be an initial conference, where landowners will state  
8 whether they intend to pursue water rights.

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

12  
13 **Details of the Case**

14 On June 22, 1982, Uno Kula filed Statement of Claimant (“SOC”) 39-82173. The SOC  
15 contains the following claims:

Quantity	Water Source	Water Use
3.00 acre-feet annually (AFA)	Tributary to Linden Draw	Fire protection, erosion control
0.8 acre-feet	Tributary to Linden Draw	Storage for the above purposes

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20 The Arizona Department of Water Resources (“ADWR”) investigated the claims made  
21 by Uno Kula (“Claimant”) and prepared Watershed File Report No. 33-50-088 (“WFR”),  
22 published in the Final Silver Creek Watershed Hydrographic Survey Report (1991) (“Silver  
23 Creek HSR”). The WFR recorded that water was being used for erosion control and fire  
24 protection. A copy of the WFR is attached as Attachment B.

25 After ADWR issued the WFR, objections were filed to the findings made in the WFR by  
26 the Salt River Project.

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**Claimant and Landowners**

The WFR lists Uno and Marianne E. Kula as the owners of the property described as located in NESWNE Section 1 of Township 10 North, Range 20 East in 1991. According to maps obtained from the Navajo County Assessor (“Assessor”) and documents obtained from the Navajo County Recorder, the land investigated appears to comprise Navajo County tax parcel 409-02-006A.

Attachment C contains a description for each parcel of the relevant documents obtained from the Navajo County Recorder. A copy of the map on file with the Assessor showing the relevant tax parcels and current ownership is attached as Attachment D.

The public records of the Arizona Department of Water Resources do not contain any assignments of the SOC listed in the WFR, and the current landowners do not appear to have filed any additional SOCs.

Property owners must file Statements of Claimant and present to the Court evidence of the existence of a water right on their property. This evidence may include the WFR. If either the property owner proves to the Court the existence of water rights on their property or enters into a valid settlement approved by the Court, the Court will recognize enforceable water rights in a “Final Decree.” Ariz. Rev. Stat. § 45-257(B).

This is an Order from the Court. 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 any potential water rights associated with the properties mentioned in this Order. If you have questions regarding this order or any of the attachments, please contact the General Stream Adjudication, Office of the Special Water Master, at (602) 372-4115. Please note that staff can only answer administrative questions and cannot provide legal advice.

**IT IS ORDERED:**

1. Case Initiation. This contested case shall be known as *In re Uno and Marianne E. Kula*, and it will resolve claims to appropriable water asserted in Statement of

1 Claimant 39-82173 and objections that were filed to Watershed File Report No.  
2 033-50-088.

3 2. Initial Conference. An initial conference shall be held on **March 27, 2024 at**  
4 **9:30 a.m.** to determine whether current landowners intend to pursue claims for water  
5 rights. The conference will be held using the Court Connect program. Instructions  
6 for Court Connect are attached as Attachment F. If you receive this order by email,  
7 click on the red box “Join Court Connect Hearing” on the attached instructions to  
8 make an appearance. If you do not receive this order by email, log into the Court  
9 Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If  
10 you do not have access to the internet, you may attend telephonically using the  
11 telephone number and access code included in the instructions for Court Connect.

12 3. Parties. The litigants in this contested case are the Claimant, the current landowners,  
13 and any party who filed an objection to the Watershed File Report. The objector in  
14 this case is Salt River Project.

15 4. Objections. Copies of the objection filed to WFR No. 33-50-088 can be found under  
16 the case number CV 6417-33-5591 on the following website:  
17 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)  
18 [whatsNew.asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp).

19 5. Court-Approved Mailing List.

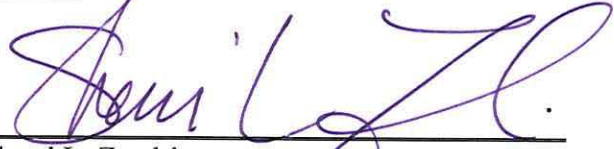
20 A. The initial Court-approved mailing list for this case shall include all  
21 persons listed on Attachment E to this order. The list may be modified  
22 only by filing a motion with the Special Master to amend the Court-  
23 approved mailing list. Litigants are responsible for using the current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

25 B. A copy of any pleading filed with the Clerk of the Apache County  
26 Superior Court in this case shall be served upon each person listed on the  
27 Court-approved mailing list.  
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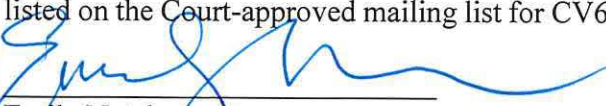
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- C. Claimants wishing to be added or removed from the mailing list shall file a motion with the Special Master. Parties allowed to intervene will be automatically added to the Court-approved mailing list.
- D. The Clerk of the Court will send copies 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](mailto:emily.natale@jbazmc.maricopa.gov).

Signed this 20<sup>th</sup> day of February 2024

  
\_\_\_\_\_  
Sherri L. Zendri  
Special Water Master

On February 20, 2024, the original of the foregoing was delivered to the Clerk of the Apache 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 hereto as Attachment E, and to all persons listed on the Court-approved mailing list for CV6417.

  
\_\_\_\_\_  
Emily Natale

**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 Little Colorado 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**

LAND OWNER \_\_\_\_\_ WATERSHED FILE NO. \_\_\_\_\_  
 KULA, UND & MARIANNE E. 033-50-088

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
33-0087629	PERMIT	OTHER	3.00	SWNEO1	100N	200E	1982	SWNEO1	100N	200E
39-0082173		OTHER	3.00	NWSWNEO1	100N	200E		NWSWNEO1	100N	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
33-0087629	OTHER	OTHER		SROO1
39-0082173	OTHER	OTHER		SROO1

R E S E R V O I R S

PWR #	LOCATION SECTION TWNP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCE	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SROO1	NESWNEO1 100N 200E		SURFACE	1986	UNNAMED	EROSION CONTROL FIRE PROTECTION

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	** APPARENT FIRST USE DATE	** DATA SOURCE	DRAINAGE AREA/ WATER SOURCE NAME
SROO1	39-0082173	33-0087629	1982	33-87629	SHOW LOW CREEK

Q U A N T I T I E S O F U S E

PWR #	QUANTIFICATION TYPE	APPLICABLE ACREAGE/SURFACE AREA (ACRES)	WATER DUTY	ESTIMATED VOLUME	REMARKS
SROO1	MAX. AREA/CAP	< 2.0		< OR = 15.0 AF	

E X P L A N A T I O N

USES AND RESERVOIRS

SR1 - SMALL RESERVOIR USED FOR EROSION CONTROL AND FIRE PROTECTION.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

COMMENT INDICATED THAT THE W.F.R. IS INCORRECT IN NOT REPORTING A SERIES OF CLAIMED MASONRY DAMS AND RESERVOIRS. A FIELD INVESTIGATION FOUND ONE SMALL RESERVOIR WITH STORAGE CAPACITY. THE OTHER CLAIMED UPSTREAM RESERVOIRS ARE SILTED IN.



**ATTACHMENT C**

**Summary of County Recorder Documents**

**400-02-006A**

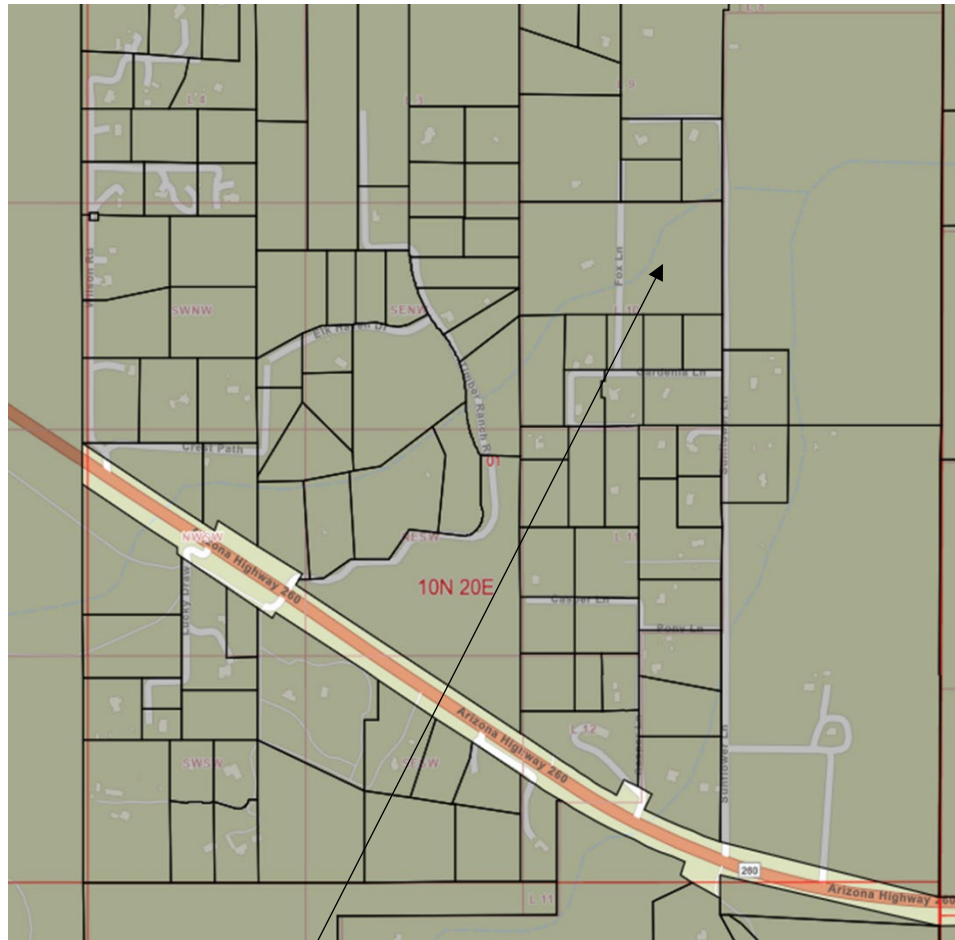
<b>Recorder Document No.</b>	<b>Transferor</b>	<b>Transferee</b>
2018-03801	Sarah Everman	Gary & Susie Hubbard
2016-18248	Kevin M. and Sarah R. Johnston	Sarah Everman
2015-13325	Uno Kula	Kevin M. and Sarah R. Johnston

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**ATTACHMENT D**

**Assessor Map**

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**APN 409-02-006A**  
Gary and Susie Hubbard  
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**ATTACHMENT E**

**Initial Court-Approved Mailing List**

Arizona Department of Water  
Resources  
Kimberly R. Parks and Karen J. Nielsen  
1110 West Washington, Suite 310  
Phoenix, AZ 85007

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

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

Gary and Susie Hubbard  
1106 Anasazi Ln.  
Show Low, AZ 85901

Special Master Sherri Zendri  
Superior Court of Arizona  
201 W. Jefferson Street  
Courtroom 301  
Phoenix, AZ 85003

Uno Kula  
5111 N. 40<sup>th</sup> St. Apt. C210  
Phoenix, AZ 85018

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**ATTACHMENT F**



**Court Connect Hearing Notice for In re Uno and Marianne E Kula**

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 Uno and Marianne E Kula**  
**Contested Case No. CV6417-33-5591**  
**Start Date/Time: March 27, 2024 at 9:30 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](#)