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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

Case: **CV6417-033-6771**

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

CONTESTED CASE NAME: *In re V.S. and Blanche Peterson*
HSR INVOLVED: Silver Creek Hydrographic Survey.
DESCRIPTIVE SUMMARY: The Clerk of Apache County Superior Court is directed to initiate CV 6417-033-6771. Initial conference set for **March 5, 2024 at 10:00 a.m.**
NUMBER OF PAGES: 14

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 Stephen and Stephanie Peterson, David R. Peterson, Jon and Laurie Cato, and Jack G. Peterson. The first step in this case is an initial conference with the Court, scheduled for **March 5, 2024 at 10:00 a.m.** to determine if landowners are interested in pursuing potential water rights. Interested Parties **MUST** attend the scheduled initial

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

3 In this case, Jack G. Peterson and Victor Scott Peterson filed Statements of Claimant
4 (“SOCs”) 39-86831 and 39-86832 on June 27, 1985, to assert claims to use water on land that
5 appears to include Navajo County tax parcels 212-26-205A, 212-26-208G, 212-26-141C, 212-
6 26-141F, 212-26-141G, 212-26-141D, and 212-26-141E. Ownership of these parcels is
7 described by this table:

Owner	Parcels
Jon and Laurie Cato	212-26-205A, 212-26-208G
Stephen and Stephanie Peterson	212-26-141C
David R. Peterson	212-26-141F
Jack G. and M. Karen Peterson 2018 Trust	212-26-141G
Jack G. Peterson and Jackie Peterson	212-26-141D, 212-26-141E

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

17
18 **Additional background information on the process for determining water rights in**
19 **Arizona can be found on Attachment A.**

20
21 **Details of the Case**

22 On June 27, 1985, Jack G. Peterson and Victor Scott Peterson filed Statements of
23 Claimant (“SOCs”) 39-86831 and 39-86832. On April 18, 2013, Ralph Eggleston filed SOC 39-
24 95185. The SOC contains the following claims:

SOC No.	Quantity	Water Source	Water Use	Use Location
39-86831	1400 acre-feet annually	Peterson, Log Cabin, Tree Springs	Irrigation	W1/2 Section 24 T9N, R22E
39-86831	1400 acre-feet	Peterson, Log Cabin, Tree Springs	Reservoir	NENW Section 24 T9N, R22E
39-86831	1400 acre-feet	Peterson, Log Cabin, Tree Springs	Reservoir	NENE Section 24 T9N, R22E
39-86831	N/A	N/A	Reservoir	N/A
39-86832	36 acre-feet	Rocky Draw, tributary to Porter Creek	Impoundment supplying livestock, irrigation, and recreation uses	N1/2NWNW Section 24 T9N, R22E
39-95185	0.51 acre-feet annually	Groundwater	Domestic	Parcel No. 212-26-208G

The Arizona Department of Water Resources (“ADWR”) investigated the claims made by Jack G. Peterson and Victor Scott Peterson (“Claimants”) and prepared Watershed File Report No. 33-56-060 (“WFR”), published in the Final Silver Creek Watershed Hydrographic Survey Report (1991) (“Silver Creek HSR”). The WFR recorded that water was being used for a stockpond within the northeast quarter of the northeast quarter of the northwest quarter of Section 24, Township 9 North, Range 22 East. A copy of the WFR is attached as Attachment B.

After ADWR issued the WFR, objections were filed to the findings made in the WFR by the United States, the Arizona State Land Department, and Blanche, Victor, Jack, and Karen Peterson. The Hopi Tribe, Navajo Nation, and San Juan Southern Paiute Tribe joined in the United States’s objections. The purpose of this case is to consider the claims made for water rights in SOCs 39-86831, 39-86832, 39-95185 and to resolve the objections to WFR 33-56-060.

1 **Claimant and Landowners**

2 The WFR lists Victor Scott and Blanche Peterson and Jack G. and Karen Peterson as the
3 owners of the property described as located in NENENW Section 24, T9N R22E in 1991 when
4 the WFR was completed. According to maps obtained from the Navajo County Assessor
5 (“Assessor”) and documents obtained from the Navajo County Recorder, the land investigated
6 appears to comprise Navajo County tax parcels 212-26-141D, 212-26-141E, 212-26-141G, 212-
7 26-141F, 212-26-141C, 212-26-208G, and 212-26-205A.

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

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

14 Property owners must file Statements of Claimant and present to the Court evidence that
15 water rights are attached to their property and have been legally claimed or transferred to them.
16 This evidence may include the WFR. Alternatively, the property owners may settle with
17 objectors. If either the property owners prove to the Court the existence of water rights on their
18 properties or enter into a valid settlement approved by the Court, the court will recognize
19 enforceable water rights in a “Final Decree.” Ariz. Rev. Stat. § 45-257(B).

20 This is an order from the court and all parties must comply with the following
21 instructions. The failure to obey this, or any, court order may result in the dismissal of this case
22 and the loss of any potential water rights associated with the properties mentioned in this order.
23 If you have questions regarding this Order or any of the attachments, please contact the General
24 Stream Adjudication, Office of the Special Water Master, at (602) 372-4115. Please note that
25 staff can only answer administrative questions and cannot provide legal advice.

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1 **IT IS ORDERED:**

2 1. Case Initiation. This contested case shall be known as *In re V.S. and Blanche*
3 *Peterson*, and it will partially resolve claims to appropriable water asserted in
4 Statements of Claimant 39-86831 and 39-86832 and objections that were filed to
5 Watershed File Report No. 33-56-060. Copies of objections can be found under the
6 case name and number on the following website:

7 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/
8 whatsNew.asp.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

9 2. Initial Conference. An initial conference shall be held on **March 5, 2024 at**
10 **10:00 a.m.** to determine whether current landowners intend to pursue claims for
11 water rights. The conference will be held using the Court Connect program.
12 Instructions for Court Connect are attached as Attachment F. If you receive this Order
13 by email, click on the red box “Join Court Connect Hearing” on the attached
14 instructions to make an appearance. If you do not receive this Order by email, log
15 into the Court Connect program on the internet by typing
16 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you
17 may attend telephonically using the telephone number and access code included in
18 the instructions for Court Connect.

19 3. Parties. The litigants in this contested case are the Claimant, the current landowners,
20 and all parties who filed objections to the Watershed File Report. The objectors in
21 this case are the United States, the Arizona State Land Department, and Blanche,
22 Victor, Jack, and Karen Peterson, as well as the Hopi Tribe, the Navajo Nation, and
23 San Juan Southern Paiute Tribe.

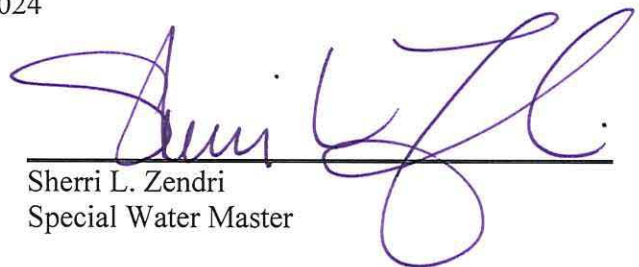
24 4. Objections. Copies of objections filed to WFR No. 33-56-060 can be found under the
25 case number CV 6417-33-6771 on the following website:
26 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/
27 whatsNew.asp.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

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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. Note that Victor S. and Blanche C. Peterson were not added to the Court-approved mailing list because no address for these individuals was found on their objection form.
- B. A copy of any pleading filed with the Clerk of the Apache 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.

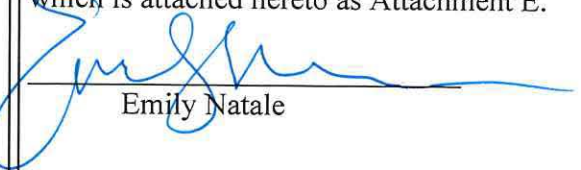
Signed this 16th day of January 2024



Sherri L. Zendri
Special Water Master

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On January 16, 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.



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. -----
 PETERSON, V.S. & BLANCHE 033-56-060
 PETERSON, J.G. & KAREN

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 LOCATION SECTION	TWNP	RNGE
39-0086831		IRRIGATION	1400.00	24	090N	220E	1907	NW19	090N	230E
		OTHER	1400.00							
39-0086832		STOCKPOND	36.00				1907		090N	220E

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
39-0086831	IRRIGATION	NONE		SPO01
	STOCKPOND	STOCKPOND		
	REC/FISH/WLDF	INCIDENTAL		
39-0086832	IRRIGATION	NONE		SPO01
	STOCKPOND	STOCKPOND		
	REC/FISH/WLDF	INCIDENTAL		

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
SPO01	NENENW24	090N	220E		SURFACE	1935	FLAG HALLOW LAKE	STOCKWATERING WILDLIFE

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
SPO01	39-0086831	NONE	1935	1935 AERIAL PHOTO	SHOW LOW CREEK
	39-0086832				

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
SPO01	MAX. AREA/CAP	2.2		7.6 AF	

E X P L A N A T I O N

FILINGS AND DECREES
 FILINGS 39-86831 & 39-86832 CLAIM IRRIGATION, STOCKWATERING, RECREATION AND WILDLIFE USES FROM PETERSON, LOG CABIN, AND TREE SPRINGS; AND FLAG HALLOW AND PETERSON LAKES. A FIELD INVESTIGATION FOUND NO IRRIGATION ON THIS PROPERTY FROM THESE SOURCES. IRRIGATION WATER SUPPLIED BY PETERSON LAKE (TANK) IS VERIFIED IN W.F.R. #'S 033-56-ACAD-2 THROUGH 8.

USES AND RESERVOIRS

SP1 - STOCKPOND LOCATED ON AN UNNAMED TRIBUTARY TO PORTER CREEK, WITHIN THE SHOW LOW CREEK DRAINAGE AREA.

ATTACHMENT C

Summary of County Recorder Documents

212-26-205A

Transferor	Transferee	Document No.
Thomas and Sandra Peterson	Jon & Laurie Cato	2021-24163
V.S. Peterson	Thomas and Sandra Peterson	2021-24162

212-26-208G

Transferor	Transferee	Document No.
Julie and Ralph Eggleston	Cato Jon & Laurie	2021-05579
Kimberly Monroe	Julie and Ralph Eggleston	2011-03069
Jerry Martinson and Holly Martinson	Kimberly Monroe and Raymond Monroe	2008-23445
Jerry Martinson and Holly Martinson	Kimberly Monroe and Raymond Monroe	2008-23446
Victor Scott Peterson	Jerry Martinson and Holly Martinson	2005-11542

212-26-141C

Transferor	Transferee	Document No.
Jack G. Peterson	Stephen and Stephanie Peterson	2023-06037

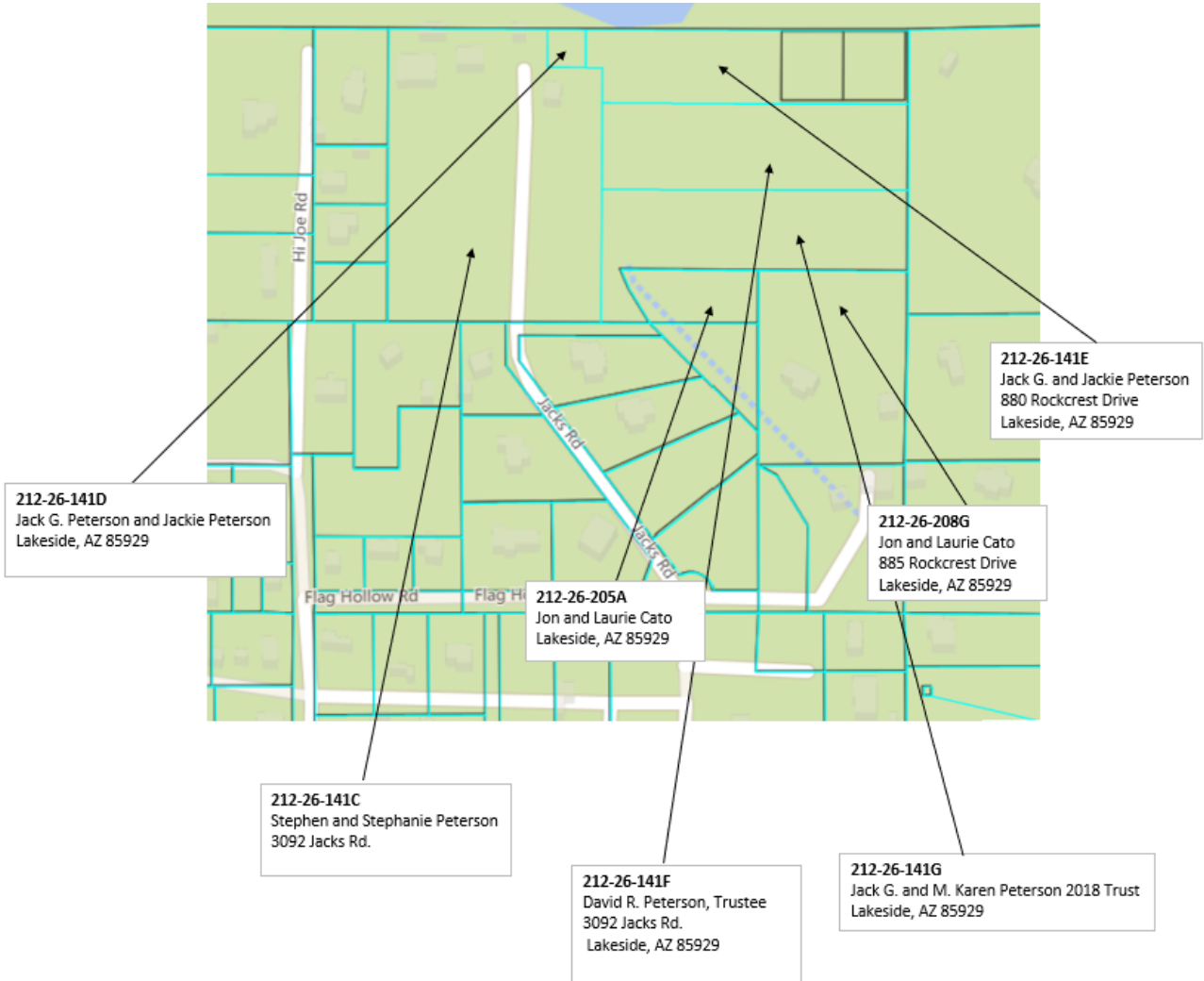
212-26-141F

Transferor	Transferee	Document No.
Jack G. Peterson	David R. Peterson	2022-21088

ATTACHMENT D

Assessor 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

Arizona State Land Department
Carrie Brennan and Kevin Crestin
Arizona Attorney General
Natural Resources Section
2005 North Central
Phoenix, AZ 85004

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

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

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

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

Hopi Tribe
General Counsel of the Hopi Tribe
P. O. Box 123
Kykotsmovi, AZ 86039

C. Campbell, P. Londen, P. Bowden
OSBORN MALEDON, P.S.
2929 North Central Avenue, Ste 2100
Phoenix, AZ 85012

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

Navajo Nation
Evan Hiller, Candace French, Jeffrey Leonard,
Judith Dworkin and Kathryn Hoover
SACKS TIERNEY P.A.
4250 N. Drinkwater Blvd., 4th Floor
Scottsdale, AZ 85251

Navajo Nation Department of Justice
Ethel Branch & G. Michelle Brown-Yazzie
PO Drawer 2010
Window Rock, AZ 86515

Jon and Laurie Cato
3360 W Summit Walk Dr
Anthem AZ 85086-2729

Stephen and Stephanie Peterson
3092 Jacks Rd
Lakeside, AZ 85929-0249

David R. Peterson, Trustee
NBK Trust
PO Box 106
Lakeside AZ 85929-0106

Jack G. Peterson
880 Rockcrest Dr.
Lakeside, AZ 85929-0448

Jack G. Peterson et al.
P.O. Box 13
Lakeside, AZ 85929

Ralph Eggleston
885 Rockcrest Drive
Lakeside, AZ 85929

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ATTACHMENT F



Court Connect Hearing Notice for In re V.S. and Blanche Peterson

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 V.S. and Blanche Peterson

Contested Case No. CV6417-33-6771

Start Date/Time: March 5, 2024 at 10:00 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](#)