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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: **CV6417-33-6773**

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

CONTESTED CASE NAMES: *In re Jeanne J. Hatch Family Trust*
HSR INVOLVED: Silver Creek Hydrographic Survey.
DESCRIPTIVE SUMMARY: The Clerk of Apache County is directed to initiate CV6417-33-6773. Initial conference set for **Wednesday, September 18, 2024, at 10:30 a.m.**
NUMBER OF PAGES: 15

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 the individuals and entities listed on Attachment A to this order. The first step in this case is an initial conference with the Court, scheduled for **Wednesday, September 18, 2024, at 10:30 a.m.** to determine if

1 landowners are interested in pursuing claims for water rights. Each current landowner
2 **MUST** attend the scheduled initial conference if they plan to pursue claims. Failure to
3 appear at the initial conference could result in the dismissal of the case and the loss of
4 potential surface water rights.

5 In this case, Jefferson J. Larson filed Statement of Claimant (“SOC”) 39-88375
6 on behalf of Jeanne J. Hatch Family Trust (“Claimant”) to assert claims to use water on
7 land that appears to comprise Navajo County tax parcels 21234014E, 21234014F,
8 21234014B, 21234014C, 21234014G, 21234014H, 21234014J, 21234014K, and
9 21234014L.

10 During the initial conference, each landowner must state whether they intend to
11 pursue water rights claims.

12
13 **Additional background information on the process for determining water rights**
14 **in Arizona can be found on Attachment B.**

15
16 **Details of the Case**

17 Statement of Claimant (“SOC”) 39-88375 includes claims for irrigation,
18 stockpond, recreational, and wildlife uses.

19 The Arizona Department of Water Resources (“ADWR”) investigated the claims
20 made by the Claimant and prepared Watershed File Report (“WFR”) 33-56-062,
21 published in the Final Silver Creek Watershed Hydrographic Survey Report (1991)
22 (“Silver Creek HSR”). The WFR recorded that water was being used for stockpond
23 purposes within southeast-southeast-northeast Section 27, Township 9N Range 22E. A
24 copy of the WFR is attached as Attachment C. A map, prepared by ADWR, showing the
25 area investigated is attached as Attachment D.
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1 After ADWR issued the WFR, objections were filed to the findings made in the
2 WFR by the Salt River Project and the United States joined by the Navajo Nation, the
3 Hopi Tribe, and the San Juan Southern Paiute Tribe. The purpose of this case is to
4 consider the claims in SOC 39-88375 and to resolve the objections to WFR No. 033-56-
5 062.

6 **Claimant and Landowners**

7 WFR 33-56-062 lists Jeanne J. Hatch Family Trust as the owner of the property
8 investigated in 1991. According to maps obtained from the Navajo County Assessor's
9 ("Assessor") website, the land investigated appears to comprise the Navajo County tax
10 parcels depicted on Attachment A to this order.

11 The public records of ADWR do not contain any assignments of the SOC listed
12 in the WFRs, and landowners do not appear to have filed any additional SOC's since the
13 issuance of the 1991 HSR.

14 **Objections**

15 Objections to WFR 33-56-036 concerned an absence of basis or right for the
16 claimed water right. In this case, there was no appropriately registered stockpond at the
17 time of the WFR investigation. Additionally, the SOC in question is not assigned to any
18 current property owners.

19 In order to obtain a decreed water right, a property owner must present to the
20 Court both an appropriate SOC claiming a water right in the name of the property owner
21 **and** evidence of that right. This evidence may include the relevant WFRs. Alternatively,
22 the property owners may settle with objectors. If either the property owner proves to the
23 Court the existence of a water right on their property or enters into a valid settlement
24 approved by the Court, the court will recognize enforceable water rights in a "Final
25 Decree." Ariz. Rev. Stat. § 45-257(B).

26 This is an order from the Court, and all parties must comply with the following
27 instructions. The failure to obey this, or any, court order may result in the dismissal of
28

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

5
6 **IT IS ORDERED:**

7 1. Case Initiation. This order initiates contested case CV6417-33-6733.

8 This case will resolve claims to use appropriable water asserted in Statement
9 of Claimant 39-88375 and objections that were filed to Watershed File
10 Report No. 33-56-062.

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

22 3. Parties. The litigants in this contested case are the claimant, the current
23 landowner, and all parties who filed objections to the Watershed File Report.
24 The objectors are the United States, the Hopi Tribe, the San Juan Southern
25 Paiute Tribe, and the Navajo Nation.

26 4. Objections. Copies of objections filed to this case can be found under the
27 respective case names and numbers on the following website:
28

1 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>

2
3 5. Court-Approved Mailing List.

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

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

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

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

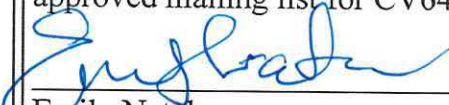
19 E. Claimants who would like to receive courtesy copies of minute
20 entries and orders may request inclusion on an email list by sending
21 a request to emily.natale@jbazmc.maricopa.gov.

22 Signed this 15th day of July 2024

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26 Sherri L. Zendri
27 Special Water Master
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On July 18, 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 F, and to all persons listed on the Court-approved mailing list for CV6417.

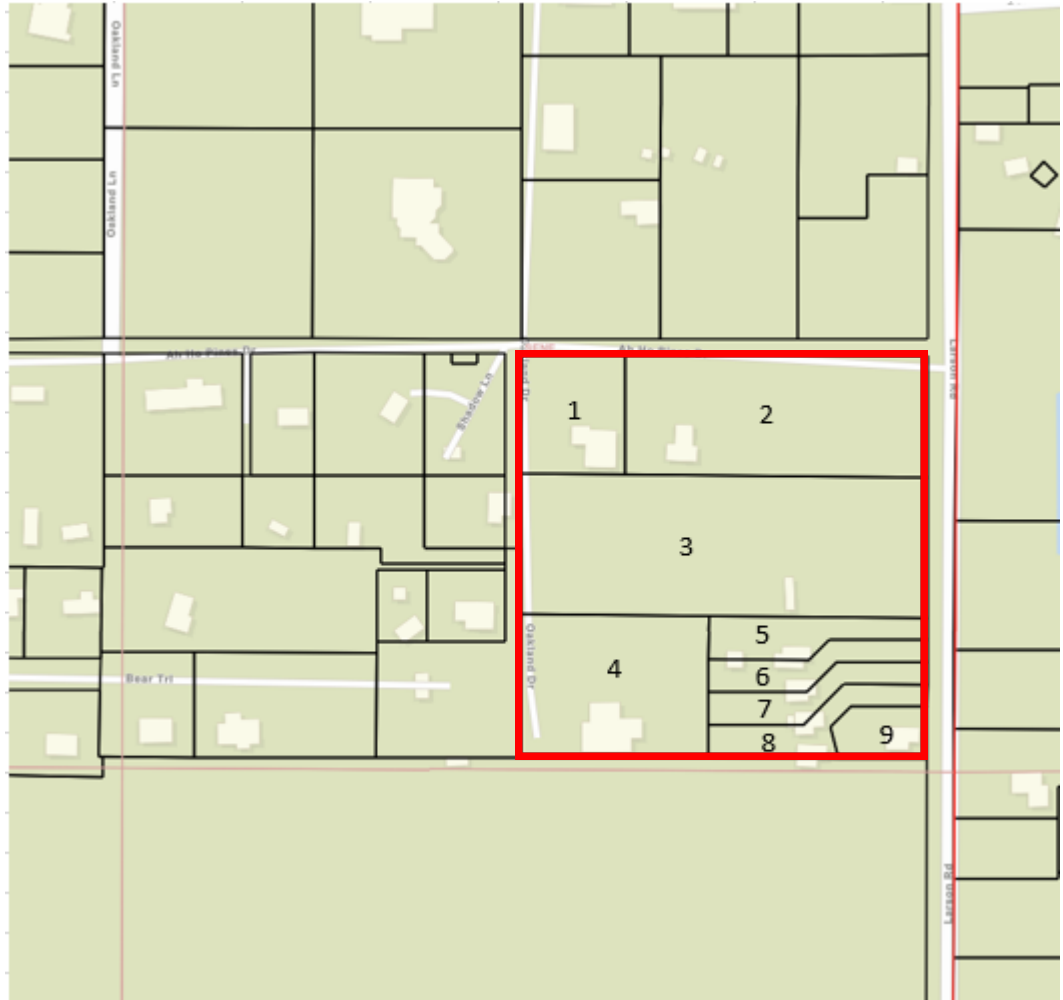


Emily Natale

ATTACHMENT A

Assessor Map and Owner List

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#	Parcel	Owner
1	21234014E	Gregg W Drohan
2	21234014F	TMC Lakeside Property LLC
3	21234014B	Roger E & Connie Hansen
4	21234014C	William M & Anna E Ash
5	21234014G	Jennifer P & Francis C Bouchal
6	21234014H	Angela Margardino Trustee
7	21234014J	Jacob W Knowles
8	21234014K	John & Marilyn Grena
9	21234014L	Daniel R & Shannon M Curatolo

ATTACHMENT B

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.

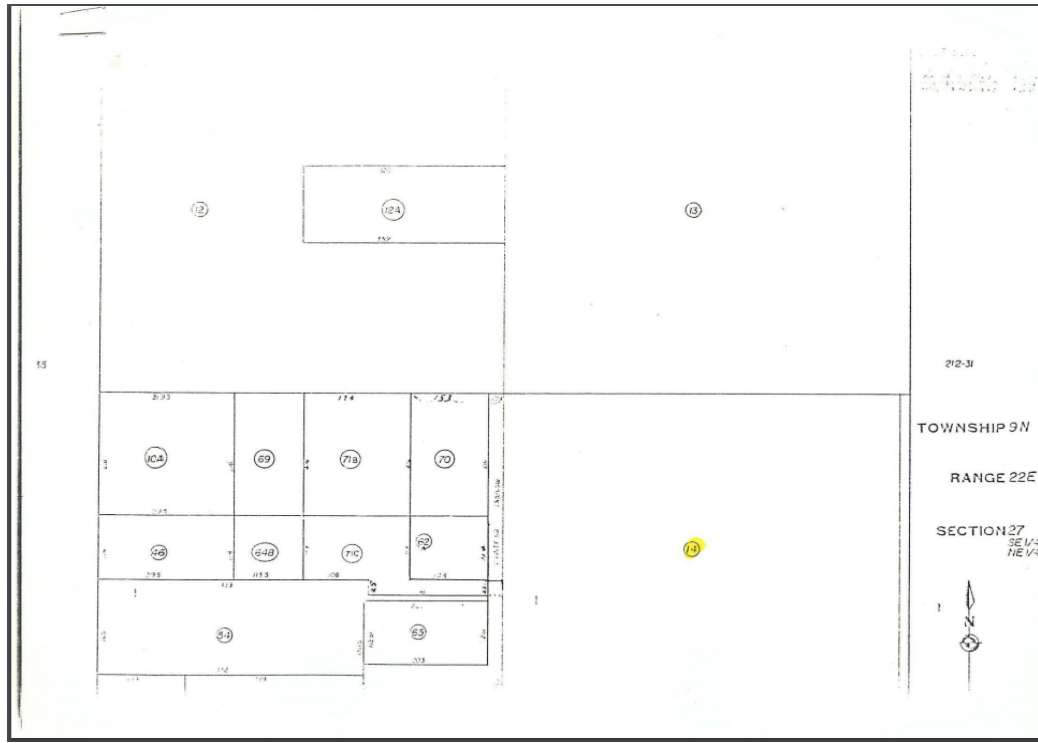
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ATTACHMENT C
Watershed File Report

ATTACHMENT D

ADWR Map

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ATTACHMENT E



Court Connect Hearing Notice for In re Jeanne J. Hatch Family Trust

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 Jeanne J. Hatch Family Trust

Contested Case No. 6417-33-6773

Start Date/Time: Wednesday, September 18, 2024, at 10:30 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](#)

ATTACHMENT F

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

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

Mark J. Widerschein
Maggie Woodward
Alexa Penalosa
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

Gregg W Drohan
3381 Ah Ho Pines Dr
Lakeside AZ 85929

TMC Lakeside Property LLC
c/o Christopher N. Kissel
1652 Solstice Drive
Prescott, AZ 86301

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

Roger E & Connie Hansen
3441 N Dyer St
Flagstaff, AZ 86004

William M & Anna E Ash
PO Box 235
Lakeside, AZ 85929-0235

Jennifer P & Francis C Bouchal
3851 E Flintlock Dr
Queen Creek, AZ 85142

Angela Margardino Trustee
538 N Jackson St
Gilbert, AZ 85233

1 Jacob W Knowles
2 PO Box 1873
3 Lakeside, AZ 85929

Daniel R & Shannon M Curatolo
1827 E Waltann Ln
Phoenix AZ 85022

3 John & Marilyn Grena
4 826 Larson Rd
5 Lakeside, AZ 85929-6781

Jeanne J. Hatch Family Trust
c/o Jefferson J. Larson
8215 E. Wilshire Dr.
Scottsdale, AZ 85257

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