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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: **CV6417-33-6895**

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

CONTESTED CASE NAME: *In re Jack G. and Karen Peterson*

HSR INVOLVED: Silver Creek Hydrographic Survey.

DESCRIPTIVE SUMMARY: The Clerk of Apache County Superior Court is directed to initiate case CV6417-33-6895. Status conference set for **March 5, 2024, at 11:00 a.m.**

NUMBER OF PAGES: 16

General Explanation

This order opens a case to determine rights to use water on parcels located in Navajo County at Section 24, Township 9 North Range 22 East. The first step in this case is an initial conference with the Court, scheduled for **March 5, 2024, at 11:00 a.m.** to determine if owners of the parcels listed in Attachment D are interested in pursuing potential water rights. Interested Parties **MUST** attend the scheduled initial conference if they plan to pursue potential water rights. Failure to appear at the initial conference could result in the loss of

1 water rights.

2 In this case, Jack G. Peterson filed Statements of Claimant (“SOCs”) 39-86831, 39-
3 86832 and 39-86833 on June 27, 1985, to assert claims to use water on land that appears to
4 include parcels listed in Attachment D.

5 The first step in this case will be an initial conference where owners of the parcels
6 listed in Attachment D will state whether they intend to pursue rights to water.

7
8 **Additional background information on the process for determining water rights**
9 **in Arizona can be found on Attachment A.**

10
11 **Details of the Case**

12 On June 27, 1985, Jack G. Peterson filed SOC's 39-86831, 39-86832, and 39-86833
13 with the following claims:

14

SOC #	Quantity	Water Source	Water Use	Use Location
39-86833	10.0 acre-foot annually	Groundwater	Domestic	SWSWNW Section 24 T9N, R22E
39-86832	36 acre-feet	Rocky Draw	Storage for Irrigation, Recreation, Fish, and Stock	N/A
39-86831	1400 acre-foot annually	Log Cabin, Tree, and Peterson springs	Irrigation	W1/2 Section 24, T9N, R22E
39-86831	1400 acre-foot	Log Cabin, Tree, and Peterson springs	Reservoir	NENW Section 24 T9N, R22E
39-86831	1400 acre-foot	Log Cabin, Tree, and Peterson springs	Reservoir	NENE Section 24, T9N R22E
39-86831	N/A	N/A	Reservoir	N/A

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1 The Arizona Department of Water Resources (“ADWR”) investigated the claims made
2 by Jack G. Peterson (“Claimant”) and prepared Watershed File Report No. 33-56-ACAD-004
3 (“WFR”), published in the Final Silver Creek Watershed Hydrographic Survey Report (1991)
4 (“Silver Creek HSR”). The WFR recorded that water was being used for irrigation purposes
5 within the northwest-southwest and southwest-northwest quarter-quarters of Section 24,
6 Township 9N Range 22E. A copy of the WFR is attached as Attachment B. A map that
7 includes the areas of land that were investigated for the WFR, both labeled as (4), is attached
8 as Attachment C.

9 After ADWR issued the WFR, objections were filed to the findings made in the WFR
10 by the Salt River Project, the United States, Arizona State Land Department, the Navajo
11 Nation, Jack G. and Karen Peterson, the Hopi Tribe, and the San Juan Southern Paiute Tribe.
12 The purpose of this case is to consider claims made for water rights in SOCs 39-86831, 39-
13 86832, and 39-86833 and to resolve the objections to the WFR.

14 15 **Claimant and Landowners**

16 The WFR lists Jack G. and Karen Peterson as the owners of the property investigated
17 in 1991, at the time the WFR was completed. According to maps obtained from the Navajo
18 County Assessor, the land investigated now appears to comprise the tax parcels listed in
19 Attachment D. A copy of the map on file with the Assessor showing the relevant tax parcels
20 and current ownership is attached as Attachment D.

21 The public records of the Arizona Department of Water Resources do not contain any
22 assignments of the SOCs listed in the WFR, and successors in interest to Jack G. and Karen
23 Peterson do not appear to have filed any additional SOCs.

24 Property owners must present to the Court evidence that water rights are attached to
25 their property and have been legally claimed or transferred to them. This evidence may
26 include the WFR. Alternatively, the property owners may settle with objectors. If either the
27 property owners prove to the Court the existence of water rights on their properties or enter
28

1 into a valid settlement approved by the Court, the Court will recognize enforceable water
2 rights in a Final Decree. Ariz. Rev. Stat. § 45-257(B).

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

10
11 **IT IS ORDERED:**

- 12 1. Case Initiation. This contested case shall be known as *In re Jack G. and*
13 *Karen Peterson*, and it will determine claims to appropriable water asserted in
14 Statements of Claimant 39-86831, 39-86832, and 39-86833 and objections that
15 were filed to Watershed File Report No. 33-56-ACAD-004. Copies of objections
16 can be found under the case name and number on the following website:
17 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudicatio](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
18 [n/whatsNew.asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp).
19 2. Initial Conference. An initial conference shall be held on **March 5, 2024, at**
20 **11:00 a.m.** to determine whether current landowners intend to pursue claims for
21 water rights. The conference will be held using the Court Connect program.
22 Instructions for Court Connect are attached as Attachment F. If you receive this
23 Order by email, click on the red box Join Court Connect Hearing on the attached
24 instructions to make an appearance. If you do not receive this Order by email, log
25 into the Court Connect program on the internet by typing
26 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet,
27
28

1 you may attend telephonically using the telephone number and access code
2 included in the instructions for Court Connect.

3 3. Parties. The litigants in this contested case are the Claimant, the current
4 landowners, and all parties who filed objections to the Watershed File Report. The
5 objectors in this case are the Salt River Project, the United States, Arizona State
6 Land Department, Jack G. and Karen Peterson, the Navajo Nation, the Hopi Tribe,
7 and the San Juan Southern Paiute Tribe.

8 4. Objections. Copies of objections filed to WFR No. 33-56-ACAD-004 can be found
9 under the case number CV 6417-033-6895 on the following website:
10 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudicatio](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
11 [n/whatsNew.asp.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

12 5. Court-Approved Mailing List.

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

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

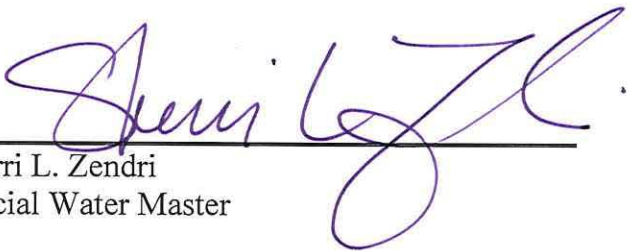
21 C. Claimants wishing to be added or removed from the mailing list shall file
22 a motion with the Special Master. Parties allowed to intervene will be
23 automatically added to the Court-approved mailing list.

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

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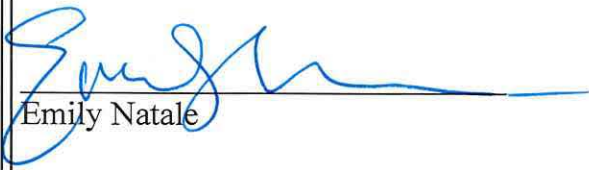
E. Claimants who would like to receive courtesy copies of minute entries and orders may request inclusion on an email list by sending a request to emily.natale@jbazmc.maricopa.gov.

Signed this 17th day of January 2024



Sherri L. Zendri
Special Water Master

On January 17, 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 SOC’s 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 SOC’s, the Arizona Department of Water Resources (ADWR) prepares a Watershed File Report, (“WFR”) in which ADWR investigates the claims in the SOC’s and recommends water rights associated with the property. *Id.* § 45-256(B). ADWR compiles all WFR’s 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, JACK G. & KAREN	033-56-ACAD-004

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
36-0066709		IRRIGATION STOCKWATERING	350.00	24 090N 220E			1907	SWNW09	090N	230E
36-0066710		IRRIGATION STOCKWATERING	350.00	24 090N 220E			1907	SWSW18	090N	230E
36-0066711		IRRIGATION STOCKWATERING	700.00	24 090N 220E			1907	NWNW19	090N	230E
39-0086831		IRRIGATION	1400.00	NW24 090N 220E			< 1907	NW19	090N	230E
39-0086832		OTHER	1400.00	24 090N 220E						
39-0086833		STOCKPOND	36.00				1907			
39-0086833		DOMESTIC	10.00	SWSWNW24 090N 220E			< 1966	SWSWNW24	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
36-0066709	IRRIGATION STOCKWATERING	IRRIGATION INCIDENTAL		IROO1
36-0066710	IRRIGATION STOCKWATERING	IRRIGATION INCIDENTAL		IROO1
36-0066711	IRRIGATION STOCKWATERING	IRRIGATION INCIDENTAL		IROO1
39-0086831	IRRIGATION STOCKWATERING REC/FISH/WLDFL	IRRIGATION INCIDENTAL	DO1	IROO1
39-0086832	IRRIGATION STOCKWATERING	IRRIGATION INCIDENTAL	DO1	IROO1
39-0086833	IRRIGATION DOMESTIC	IRRIGATION DOMESTIC		IROO1, DMOO1

D I V E R S I O N S

DIV #	LOCATION SECTION TWNP RNGE	DRAINAGE AREA/ WATER SOURCE NAME	DIVERSION NAME	REMARKS
DO1	NWNENE24 090N 220E	SHOW LOW CREEK	PETERSON TANK	SHARED

U S E S

PWR #	LOCATION SECTION TWNP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCE	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	SWSWNW24 090N 220E		GROUNDWATER		NO	
IROO1	NWSW24 090N 220E SWNW24 090N 220E	DO1	SURFACE	1935	NO	

S H A R E D U S E S A N D D I V E R S I O N S

** WATER FROM DO1 FOUND IN FILE (033-56-7) IS USED IN THIS FILE

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
DMOO1	39-0086833	NONE			GROUNDWATER
IROO1	39-0086831 39-0086831 39-0086831 39-0086831 39-0086832 39-0086833	36-0066709 36-0066710 36-0066711	1907	36-66709 & 36-66710	SHOW LOW CREEK

PWR #	QUANTIFICATION TYPE	APPLICABLE ACREAGE/SURFACE AREA (ACRES)	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1					SEE VOLUME 1
IROO1	AVG. EFFICIENT MAXIMUM ANNUAL	24.0 24.0	5.5 AF/AC 2.8 AF/AC	132.0 AFA 67.2 AFA	DEFICIT IRRIGATION

E X P L A N A T I O N

FILINGS AND DECREES

FILINGS 39-86831, 36-66709, 36-66710 & 36-66711 CLAIM SEVERAL SPRINGS (PETERSON, LOG CABIN AND TREE) ON FOREST SERVICE LAND (REFER TO W.F.R. 033-56-1) THAT SUPPLY FLOW THROUGH A NATURAL CHANNEL TO PETERSON TANK (REFER TO W.F.R. #'S 033-56-ACAD-2 & 033-56-7).

DIVERSIONS

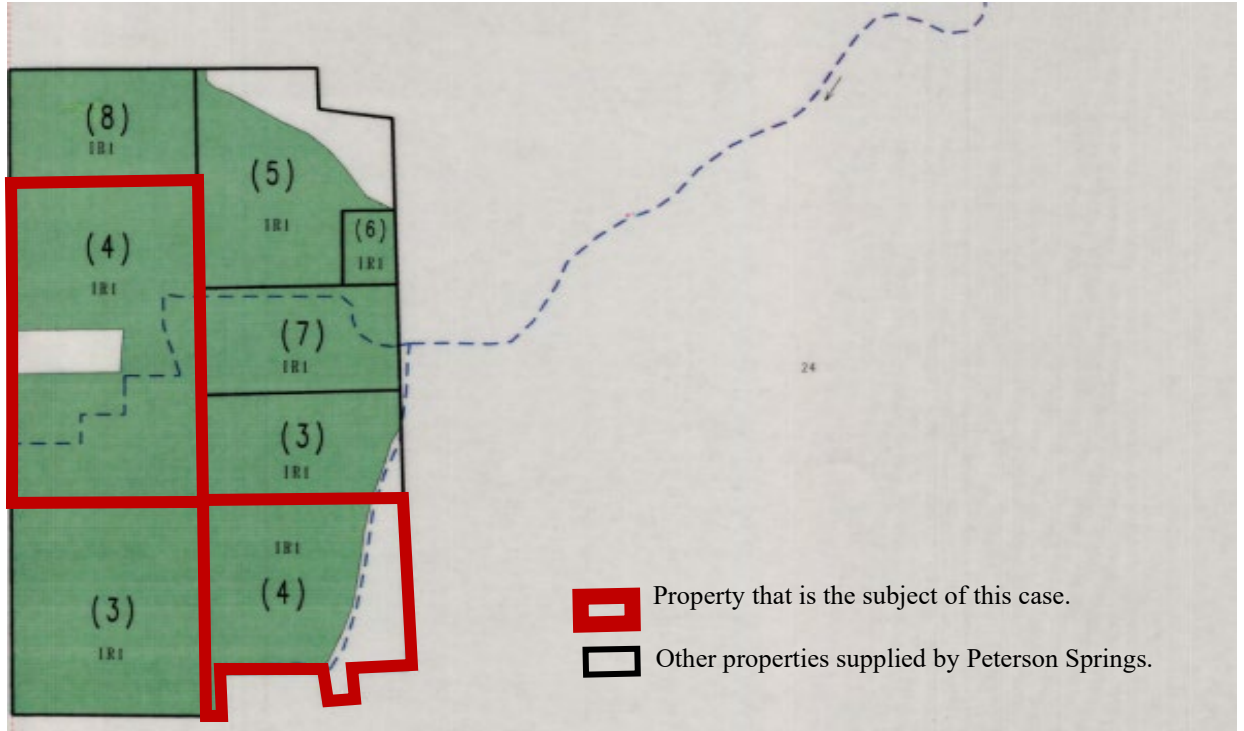
D1 - DIVERSION FROM PETERSON TANK LOCATED ON AN UNNAMED TRIBUTARY TO PORTER CREEK, WITHIN THE SHOW LOW CREEK DRAINAGE AREA.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.
 IR1 - IRRIGATED PASTURE.

ATTACHMENT C

WFR Map



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ATTACHMENT D

Assessor Map

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Legend to Assessor Map

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Number on Map	Parcel	Owner	Site Address
1	212-26-117D	Michael Gardner	
2	212-26-117B	John H & Paulette S Bremond	2577 N Porter Mtn Rd Lakeside AZ 85929-6159
3	212-26-117C	Salvador Ruiz	
4	212-26-117A	Shumway Storage LLLP	2569 Porter Mountain Rd
5	212-26-116	Pelco #1 LLC	2457 N Porter Mountain Rd Lakeside AZ 85929-6159
6	212-26-084A	Pelco #1 LLC	
7	212-70-001	David A Faulk	
8	212-70-002	Lyndsay M Dicamillo	1566 Amanda Dr Lakeside AZ 85929
9	212-70-003	205 Enterprise LLC	1542 Amanda Dr Lakeside AZ 85929
10	212-70-004	205 Enterprise LLC	1520 Amanda Dr Lakeside AZ 85929
11	212-70-005	205 Enterprise LLC	1496 Amanda Dr Lakeside AZ 85929
12	212-70-006	205 Enterprise Llc	1474 Amanda Dr Lakeside AZ 85929
13	212-70-007	205 Enterprise Llc	1452 Amanda Dr Lakeside AZ 85929
14	212-70-008	205 Enterprise Llc	1430 Amanda Dr Lakeside AZ 85929
15	212-70-997	Pelco #1 Llc	
16	212-70-998	Pelco #1 Llc	
17	212-26-082C	Gary D & Kathie M Little	1406 Peterson Rd Lakeside AZ 85929
18	212-26-082G	Stubby LLC	1382 Peterson Rd Lakeside AZ 85929
19	212-26-082N	Juan Antonio & Olga Lidia Rosales-Perez & Maria Rosales	1411 Amanda Dr Lakeside AZ 85929
20	212-26-189	George P Mckinley	1230 Peterson Rd Lakeside AZ 85929
21	212-26-082E	Sleepy Meadow LLC	1401 Amanda Dr Lakeside AZ 85929

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

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

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

Jack G. Peterson
PO Box 13
Lakeside, AZ 85929

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

Michael Gardner
PO Box 2735
Show Low AZ 85902-2735

John H & Paulette S Bremond Trustees
6749 N Chapultapec Cir
Tucson AZ 85750

Salvador Ruiz
621 S Rock Ridge Dr
Show Low AZ 85901-7596

Shumway Storage Family LLP
2569 Porter Mountain Rd
Lakeside AZ 85929-6159

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Pelco #1 LLC
9564 Sierra Springs Dr
Pinetop AZ 85935-8883

David A Faulk
PO Box 4021
Pinetop AZ 85935-4021

Lyndsay M Dicamillo
1566 Amanda Dr
Lakeside AZ 85929-7712

205 Enterprise LLC
1634 Niels Hansen Ln
Lakeside AZ 85929

Gary D & Kathie M Little Trustees
18546 E Via De Palmas
Queen Creek, AZ 85142

Stubby LLC
PO Box 69
Pinetop AZ 85935-0069

Juan Antonio & Olga Lidia Rosales-Perez
PO Box 2545
Lakeside AZ 85929-2545

George P McKinley
1230 Peterson Rd
Lakeside AZ 85929-5833

Sleepy Meadow LLC
PO Box 669
Waddell, AZ 85355-0669

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5 **ATTACHMENT F**



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10 **Court Connect Hearing Notice for In re Jack G. and Karen Peterson**

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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 In re Jack G. and Karen Peterson

Contested Case No. CV6417-33-6895

Start Date/Time: March 5, 2024, at 11:00 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](#)