

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

March 5, 2024

CLERK OF THE COURT

SPECIAL WATER MASTER
SHERRI ZENDRI

T. DeRaddo
Deputy

In re: Anda P. Crowell
Contested Case No: CV6417-33-6896

In re the General Adjudication of
All Water Rights to Use Water in the
Little Colorado River System and Source

FILED: March 12, 2024

In re: Status Conference
HSR: Silver Creek Hydrographic Survey

MINUTE ENTRY

Courtroom CCB - 301

10:30 a.m. This is the time set for a virtual/telephonic Status Conference regarding the initiation of this matter before Special Water Master, Sherri Zendri.

The following attorneys and self-represented litigants appear virtually / telephonically via Court Connect/Teams.

- Jack G. Peterson, Trustee
- David Peterson, Trustee
- Sherry Columbia, Landowner
- Kevin Crestin on behalf of Arizona State Land Department
- Kendra Wilkinson on behalf of SRP
- Maggie Woodward and Mark Wilderschein on behalf of the United States and its proprietary agencies
- Vanessa Williard on behalf of the United States and its Trust Capacity on behalf of Tribes
- Katya Lancero on behalf of The Navajo Nation
- Phillip Londen on behalf of The Hopi Tribe

- Karen Nielsen on behalf of ADWR
- Garrett Perkins observing on behalf of the LCR Coalition
- Kent Milliard on behalf of The Tonto Apache Tribe
- Confie LeSueur, Michael G. and Kimberly Peterson, Michael J. McCutcheon, and Luxtiny LLC did not appear.

A record of the proceedings is made digitally in lieu of a court reporter.

Anda P. Crowell was listed as the owner of the property when investigated in 1991.

Jack G. Peterson, Trustee; David Peterson, Trustee; and Sherry Columbia, Landowner, all state that they want to pursue their water rights.

LET THE RECORD REFLECT that objections to the WFR were made by The United States, the Arizona State Land Department, SRP, The Hopi Tribe, the Navajo Nation and The San Juan Southern Paiute Tribe.

The Court informs the parties that Basis of Rights does not appear to be an issue. Proof of priority dates are important.

The parties are instructed to view the ADWR website to view the original documents and facts about the cases.

10:42 a.m. Matter concludes.

NOTE: All court proceedings are recorded digitally and not by a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may request a CD of the proceedings. **For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100,** or order online at ERS@superiorcourt.maricopa.gov.

A copy of this minute entry will be sent to all people on the court-approved mailing list for this matter.

LATER:

IT IS ORDERED setting a status conference for **Wednesday, April 24, 2024, at 9:30 a.m.** for claimants to update the Court regarding their progress resolving objections. The status conference will be held using the Court Connect program. Instructions for Court Connect are attached as Attachment A. If you receive this Order by email, click on the red box “Join Court Connect Hearing” on the attached instructions to make an appearance. If you do not receive this Order by email, log into the Court Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If you do not have

access to the internet, you may attend telephonically using the telephone number and access code included in the instructions for Court Connect.

Documents prepared by the Arizona Department of Water Resources (ADWR) as part of the Hydrographic Survey Report (“HSR”) for Silver Creek can be found on the ADWR website at:

<https://www.azwater.gov/adjudications>

Objections for this contested case can be found on the General Stream Adjudication website under “Active Cases” at:

<https://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/docs/CV6417-33-6896-Combined-Objections-for-Web.pdf>

Parties wishing to move forward with historical water rights claims on their property must ensure Statement of Claimants (SOC) are current and must present a valid basis of right to the Court.

1. Statements of Claimant (SOCs)

A SOC is a landowner’s or lessee’s (“claimant’s”) written statement to the Court that provides details about their water right claim. This claim to use public water is filed with the Arizona Department of Water Resources (“ADWR”). Although a water right generally remains attached to the land, the SOC must reflect the current claimant’s name and contact information as well as any changes to the original claim. The SOC’s currently do not list current property owners or lessees. To update an SOC, one may obtain a SOC assignment, make an SOC amendment, or file a new SOC. Forms may be found on ADWR’s website at:

<https://www.azwater.gov/adjudications/statement-claimant-new-use-summons-forms>

2. Basis of Right

To obtain a water right, a claimant must provide a “basis of right.” A basis of right is a court decree or document filed with ADWR either registering a water right, applying for a permit to appropriate water, or applying for a stockpond claim of right. See Arizona Revised Statutes (“Ariz. Rev. Stat.”) §§ 45-182(A), 45-152(A), 45-273.

If a claimant proves that the water right claimed was initiated prior to June 12, 1919, they do not need to file an “application for a permit to appropriate,” but must present either a court decree or a timely-filed Statement of Claim registering their claimed water right, i.e. one filed before September 1, 1990. See Ariz. Rev. Stat. §§ 45-171, 45-182(A). Note that a statement of claim is a different document than a statement of claimant. ADWR can help the current property owners determine if former landowners registered pre-1919 water rights claims.

If a claimant either cannot prove that the water right claimed was initiated prior to June 12, 1919, or cannot present a timely-filed Statement of *Claim*, the claimant must

present either an “application for a permit to appropriate public water” or an “application for a stockpond claim of right.” Ariz. Rev. Stat. §§ 45-152(A), 45-272(C).

If the claimed water right is for a pond constructed before 1977, less than 15 acre-feet, and used solely for watering livestock or wildlife (but not primarily for fishing or culturing of fish), the claimant must present an “application for a stockpond claim of right.” Ariz. Rev. Stat. §§ 45-271, 45-272. If the claimed water right is for any other use, the claimant must present an “application for a permit to appropriate public water.” Blank forms for either application may be found on the ADWR website at:

<https://www.azwater.gov/surface-water/surface-water-forms-and-documents>.

Because of the time and cost involved in pursuing an “application for a permit to appropriate public water” or an “application for a stockpond claim of right,” claimants should first gather as much evidence as possible to determine which, if any, of their water rights claims are for water uses that were initiated prior to June 12, 1919 and subsequently described in a timely filed statement of *claim*.

Federal land entry case files (e.g. homestead proofs and affidavits) may be useful for proving historical farming and grazing activity on your land. Resources for finding land entry filings are listed below:

- Federal land patents may be found here:
<https://gloreCORDS.blm.gov/search/default.aspx>
- Pre-1908 homestead proofs may be accessed from a physical FamilySearch location. See <https://locations.familysearch.org/en/search> for more information.
- Any other land entry case files can be ordered using the following form:
<https://www.archives.gov/forms/pdf/natf-84.pdf>.

While it is not necessary, Claimants are free to seek their own legal counsel at any time should they decide to do so. In addition, The Arizona Adjudications Project is taking applications to provide free, limited legal representation in the adjudication. The team can help claimants who are not already represented by an attorney. You can apply for assistance here:

<https://law.arizona.edu/academics/clinical-programs/natural-resource-use-management-clinic/arizona-adjudications-clinic>.

To contact the University of Arizona Adjudications Project call (520) 621 6722 or via email at: law-azadjudicationsproject@arizona.edu.

To contact ADWR regarding application forms and processing procedures please call 1-866-246-1414, email smitchell@azwater.gov, or visit <https://www.azwater.gov/adjudications>.

To contact the Office of the Special Water Master please call (602) 372-4115.

Attachment A



Court Connect Hearing Notice for In re Anda P. Crowell

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 Anda P. Crowell, Contested Case No. CV6417-33-6896

Start Date/Time: Wednesday, April 24, 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](#)