

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

March 5, 2024

CLERK OF THE COURT

SPECIAL WATER MASTER
SHERRI ZENDRI

T. DeRaddo
Deputy

In re: James & Helen Doonan
Contested Case No: CV6417-33-6897

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

9:30 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, Landowner on his own behalf
- Kermit Smith, Landowner on his own behalf
- Kevin Crestin on behalf of The Arizona State Land Department
- Katrina Wilkinson on behalf of SRP
- Katya Lancero on behalf of the Navajo Nation
- Phillip Londen on behalf of the Hopi Tribe
- Karen Nielsen on behalf of ADWR
- Maggie Woodward on behalf of The United States
- Garrett Perkins observing on behalf of the LCR Coalition
- Michael Rolland on behalf of the cities of Avondale, Glendale, Mesa, Scottsdale, and Tempe
- Kent Millward observing on behalf of The Tonto Apache Tribe

- Also appearing are Garrett Perkins, Katheryn Ust, Alexa Penalosa, Adam Smith, and Bennie Higgins
- Landowners Shaun J. Givens and Sarah L. Lindstrom did not appear

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

The Court notes that the Statements of Claimant for the claims to water rights in this matter are older. The following landowners state that they still intend to pursue their water rights claims: Jack Peterson and Kermit Smith.

Katrina Wilkinson for SRP objected to water rights due to the methodologies quantifying the irrigation for ADWR and the failure to calculate a diversion rate.

Maggie Woodward for the United States asserts that the landowners have not filed their own Statement of Claimant, among other objections. The Navajo Nation, The Hopi Tribe and the San Juan Southern Paiute Tribes have joined with the United States in their objections.

Kevin Crestin states that the Arizona State Land Department is also objecting due to the quantity claims.

There appear to be no objections as to the Bases of Right.

Katrina Wilkenson states that it will be necessary for the current landowners to now file Statements of Claimants in the current landowners' names.

Mr. Peterson states that he filed documents 20-30 years ago and that he is listed as the only user of water.

The Court states that Mr. Peterson's large property has been subdivided on multiple occasions, and the owners of those subdivided properties must file their own Statements of Claimant and demonstrate that they are using the water.

Discussion is held regarding a timeline for ADWR to create a draft abstract. The Court will then set another hearing to discern whether the Statements of Claimant are now updated and current.

9:45 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 9:45 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/CV6417-33-6897-objections.pdf>

Parties wishing to move forward with historical water rights claims on their property must ensure Statements of Claimant (SOC) are current.

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 SOCs 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>

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 James & Helen Doonan

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 James & Helen Doonan, Contested Case No. CV6417-33-6897

Start Date/Time: April 24, 2024, at 9:45 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](#)