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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: **CV6417-33-6897**

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

CONTESTED CASE NAME: *In re James E. and Helen O. Doonan*

HSR INVOLVED: Silver Creek Hydrographic Survey.

DESCRIPTIVE SUMMARY: The Clerk of Apache County Superior Court is directed to initiate case CV6417-33-6897. Initial conference set for **March 5, 2024, at 9:30 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 Jack G. Peterson, Kermit Smith, Shaun J. Givens and Sarah L. Lindstrom. The first step in this case is an initial conference with the Court, scheduled for **March 5, 2024, at 9:30 a.m.** to determine if landowners 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 dismissal of the case and the loss of water rights associated with the property.

1 In this case, Jack G. Peterson and Victor Scott Peterson filed Statement of Claimant (“SOC”)
 2 39-86831 on June 27, 1985 to assert claims to use water on land that appears to include Navajo County
 3 tax parcels 212-26-118G, 212-26-118H, and 212-26-118F. Ownership of these parcels is described
 4 by this table:

Owner	Parcel
Jack G. Peterson	212-26-118G
Kermit Smith	212-26-118H
Shaun J. Givens and Sarah L. Lindstrom	212-26-118F

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

11 **Additional background information on the process for determining water rights in**
 12 **Arizona can be found on Attachment A.**

14 **Details of the Case**

15 On June 27, 1985, Jack G. Peterson and Victor Scott Peterson filed Statement of Claimant
 16 (“SOC”) 39-86831 with the following claims:

Quantity	Water Source	Water Use	Use Location
1400 acre- feet annually	Peterson, Log Cabin, Tree Springs	Irrigation	W1/2 Section 24 T9N, R22E
1400 acre- feet	Peterson, Log Cabin, Tree Springs	Reservoir	NENW Section 24 T9N, R22E
1400 acre- feet	Peterson, Log Cabin, Tree Springs	Reservoir	NENE Section 24 T9N, R22E
N/A	N/A	Reservoir	N/A

24 The Arizona Department of Water Resources (“ADWR”) investigated the claims made by
 25 Jack G. Peterson and Victor Scott Peterson (“Claimants”) and prepared Watershed File Report No.
 26 33-56-ACAD-006 (“WFR”), published in the Final Silver Creek Watershed Hydrographic Survey
 27 Report (1991) (“Silver Creek HSR”). The WFR recorded that water was being used for irrigation
 28

1 within the southwest quarter of the northwest quarter of Section 24, Township 9 North, Range 22
2 East. A copy of the WFR is attached as Attachment B. A copy of a map displaying the area
3 investigated by ADWR, denoted by “(6),” is attached as Attachment C.

4 After ADWR issued the WFR, objections were filed to the findings made in the WFR by the
5 United States, the Arizona State Land Department, and the Salt River Project. The Hopi Tribe, Navajo
6 Nation, and San Juan Southern Paiute Tribe joined in the United States’s objections. The purpose of
7 this case is to consider the claims made for water rights in SOC 39-86831 and to resolve the objections
8 to WFR 33-56-ACAD-006.

9 10 **Claimant and Landowners**

11 The WFR lists “James E. Dodman and Helen O. Dodman” as the owners of the property
12 investigated in 1991, at the time the WFR was completed. Note that the WFR misstates the names
13 of the owners of the relevant land at the time of investigation; the last name is Doonan, not
14 Dodman¹. According to maps obtained from the Navajo County Assessor (“Assessor”) and a
15 document obtained from the Navajo County Recorder, the land investigated appears to comprise
16 Navajo County tax parcels 212-26-118F, 212-26-118G, and 212-26-118H.

17 A copy of the map on file with the Assessor showing the relevant tax parcels and current
18 ownership is attached as Attachment D. The public records of the Arizona Department of Water
19 Resources do not contain any assignments of the SOC listed in the WFR, and the current landowners
20 do not appear to have filed an additional SOC.

21 Property owners must present to the Court evidence showing that water rights are attached to
22 their property and have been legally claimed or transferred to them. This evidence may include the
23 relevant WFR. Alternatively, the property owners may settle with objectors. If either the property
24 owners prove to the Court the existence of water rights on their properties or enter into a valid
25 settlement approved by the Court, the court will recognize enforceable water rights in a “Final
26

27 ¹ See Navajo County Recorder Document No. 1967-04235, which granted James E. and Helen O. *Doonan* ownership
28 over land now comprising parcels 212-26-118F, 212-26-118G, and 212-26-118H.

1 Decree.” Ariz. Rev. Stat. § 45-257(B).

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

8
9 **IT IS ORDERED:**

10 1. Case Initiation. This contested case shall be known as *In re James E. and Helen*
11 *O.Doonan*, and it will partially resolve claims to appropriable water asserted in
12 Statement of Claimant 39-86831 and objections that were filed to Watershed File Report
13 No. 33-56-ACAD-006. Copies of objections can be found under the case name and
14 number on the following website:

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

16
17 2. Initial Conference. An initial conference shall be held on **March 5, 2024, at 9:30 a.m.**
18 to determine whether current landowners intend to pursue claims for water rights. The
19 conference will be held using the Court Connect program. Instructions for Court Connect
20 are attached as Attachment F. If you receive this Order by email, click on the red box “Join
21 Court Connect Hearing” on the attached instructions to make an appearance. If you do
22 not receive this Order by email, log into the Court Connect program on the internet by
23 typing <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet,
24 you may attend telephonically using the telephone number and access code included in
25 the instructions for Court Connect.

26 3. Parties. The litigants in this contested case are the Claimant, the current landowners, and
27 all parties who filed objections to the Watershed File Report. The objectors in this case
28

1 are the United States, Arizona State Land Department, Salt River Project, the Hopi Tribe,
2 Navajo Nation, and San Juan Southern Paiute Tribe.

3 4. Objections. Copies of objections filed to WFR No. 33-56-ACAD-006 can be found under
4 the case number CV 6417-33-6897 on the following website:
5 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>.
6

7 5. Court-Approved Mailing List.

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

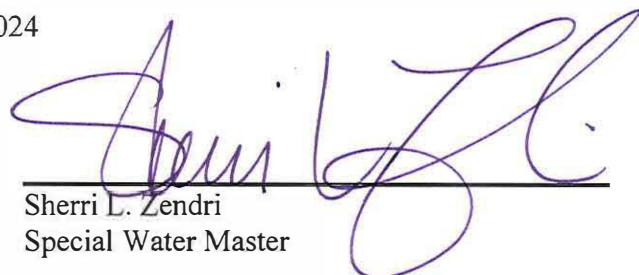
12 B. A copy of any pleading filed with the Clerk of the Apache County Superior
13 Court in this case shall be served upon each person listed on the Court-
14 approved mailing list.

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

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

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

23
24 Signed this 11th day of January 2024

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Sherri L. Zendri
Special Water Master

1 On January 14, 2024, the original
2 of the foregoing was delivered to the Clerk of the
3 Apache County Superior Court for filing and
4 distributing a copy to all persons listed on the
5 Court-approved mailing list for this contested
6 case, a copy of which is attached hereto as
7 Attachment E.

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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. _____
 DODMAN, JAMES E. 033-56-ACAD-006
 & HELEN O.

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 SECTION	LOCATION TWNP	RNGE
36-0066709		IRRIGATION	350.00	24	090N	220E	1907	SWNW09	090N	230E
36-0066710		STOCKWATERING IRRIGATION	350.00	24	090N	240E	1907	SWSW18	090N	230E
36-0066711		STOCKWATERING IRRIGATION	700.00	24	090N	220E	1907	NWNW19	090N	230E
39-0086831		STOCKWATERING IRRIGATION OTHER	1400.00	NW24	090N	220E	< 1907	NW19	090N	230E
				24	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	IRRIGATION		IROO1
36-0066710	STOCKWATERING IRRIGATION	INCIDENTAL IRRIGATION		IROO1
36-0066711	STOCKWATERING IRRIGATION	INCIDENTAL IRRIGATION		IROO1
39-0086831	STOCKWATERING IRRIGATION	INCIDENTAL IRRIGATION	DO1	IROO1
	REC/FISH/WLDF	INCIDENTAL		

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
IROO1	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
IROO1	39-0086831	36-0066709 36-0066710 36-0066711	1907	36-66709 & 36-66710	SHOW LOW CREEK

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
IROO1	AVG. EFFICIENT MAXIMUM ANNUAL	1.2 1.2	5.5 AF/AC 2.8 AF/AC	6.6 AFA 3.3 AFA	DEFICIT IRRIGATION

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.

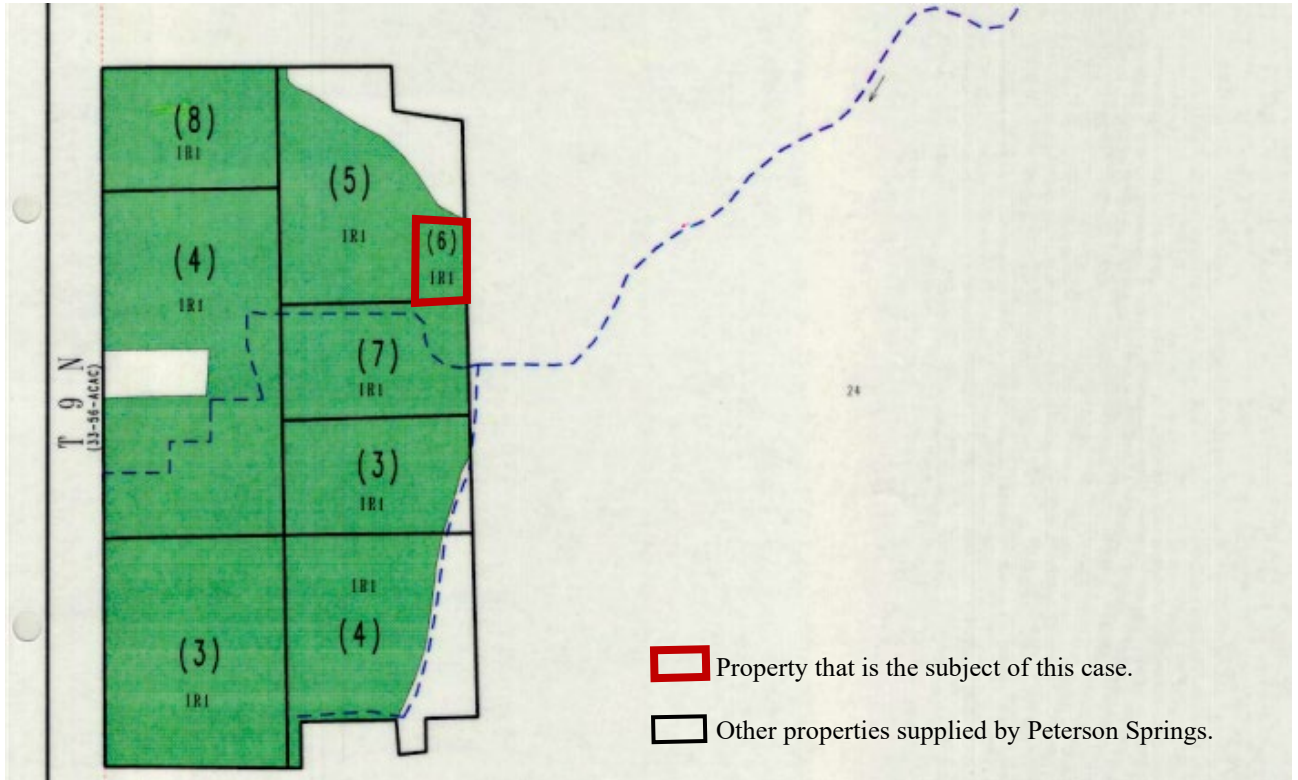
USES AND RESERVOIRS

IR1 - IRRIGATED PASTURE. IR1 IS CONTIGUOUS WITH THE IRRIGATED LANDS FOUND IN W.F.R. #'S 033-56-ACAD-5 & 7.

ATTACHMENT C

WFR Map

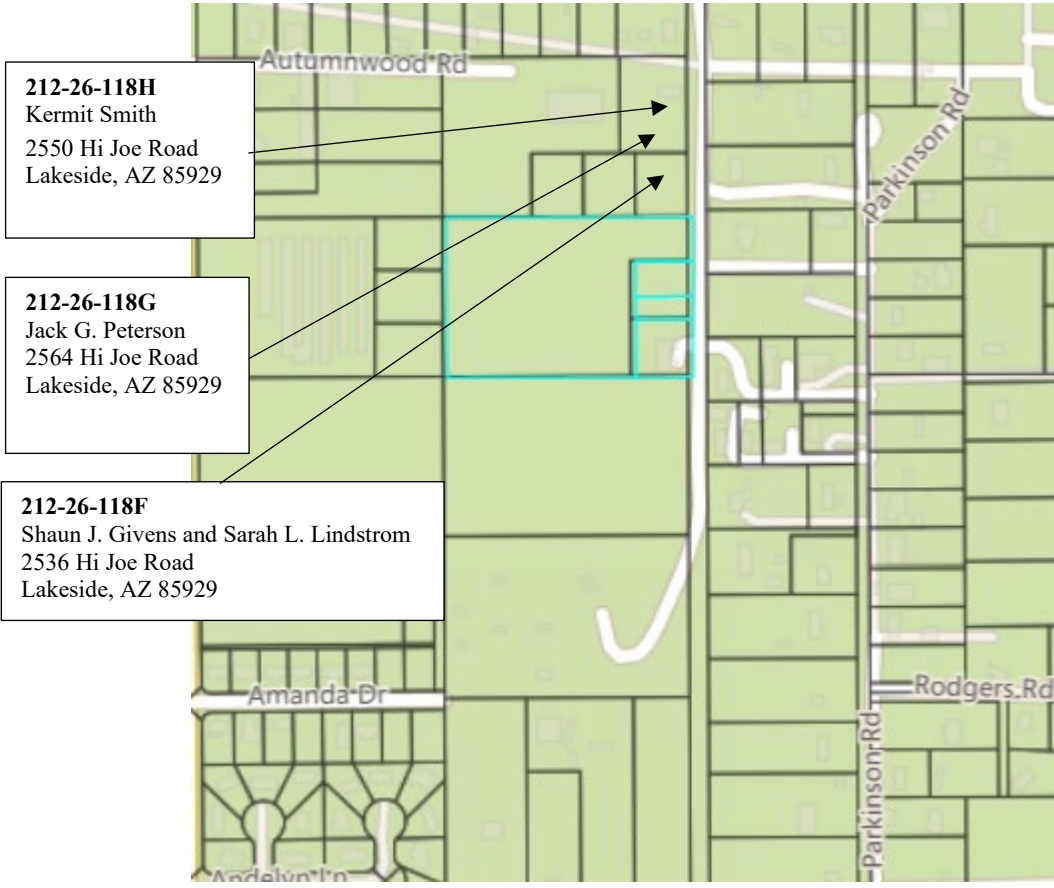
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ATTACHMENT D

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

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

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

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

Kermit Smith
1412 Amanda Dr. # 31
Lakeside, AZ 85929-7710

Shaun Givens & Sarah L. Lindstrom
2536 Hi Joe Rd
Lakeside, AZ 85929-0275

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ATTACHMENT F



Court Connect Hearing Notice for In re James E. and Helen O. 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 E. and Helen O. Doonan

Contested Case No. CV6417-33-6897

Start Date/Time: March 5, 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](#)