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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

Civil 6417-33-7002

ORDER TO INITIATE CONTESTED CASE  
AND ORDER SETTING STATUS  
CONFERENCE

CONTESTED CASE NAME: *In re Jefferson J. Larson*  
HSR INVOLVED: Silver Creek Watershed Hydrographic Survey  
DESCRIPTIVE SUMMARY: The Clerk of Apache County is directed to initiate Civil 6417-33-7002. Status conference set for March 2, 2023 at 2:30 p.m.  
NUMBER OF PAGES: 13  
DATE OF FILING: January 18, 2023

**General Explanation**

This Order continues the process necessary to adjudicate claims made for rights to appropriable water on land formerly owned by Jefferson Larson and currently owned by Wheatfield and Frog Island, LLC. This contested case was initially consolidated with CV 6417-33-9002 and subsequently consolidated with CV 6417-33-9005. No activity in this case appears

1 to have occurred after 1994 and no decision was entered. By Order dated January 17, 2023, this  
2 case has been separated from and is no longer consolidated with CV 6417-33-9005.

3 This contested case is one of the many cases in the Arizona General Stream Adjudication  
4 for the Silver Creek Watershed to determine legal rights to water. The purpose of the General  
5 Adjudication is to determine the rights of those persons who filed Statements of Claimant for  
6 rights to use appropriable water in Arizona. The General Adjudication will also determine water  
7 rights for the Hopi Reservation, the Navajo Reservation, and other watersheds included in the  
8 Little Colorado River Watershed.

9 In this case, Jefferson J. Larson and Alice C. Larson ("Claimants") filed Statement of  
10 Claimant ("SOC") 39-88374 on October 1, 1985 for rights to water for use on land in the  
11 southwest quarter of the southwest quarter of the northwest quarter of Section 26, Township 9N  
12 Range 22E. The Arizona Department of Water Resources ("ADWR") investigated the claim,  
13 which it characterized as a claim for irrigation, stockpond, and other uses, and prepared a report  
14 known as Watershed File Report No. 033-56-ACDB-026 ("WFR") published in the Final Silver  
15 Creek Watershed Hydrographic Survey Report (1991). A copy of the WFR is attached as  
16 Attachment A, and a copy of the map showing the parcel investigated by ADWR is attached as  
17 Attachment B. The relevant parcel is labeled "(26)."

18 The SOC includes claims for eight acre-feet annually of water for irrigation use and 20  
19 acre-feet for storage with a priority date of September 26, 1985 from a diversion located in  
20 SWSWNW section 26 T9N, R22E. The WFR found an irrigation use on the land described in  
21 the WFR. After ADWR issued the WFR, objections were filed to the findings made in the WFR  
22 by the United States, joined by the Navajo Nation and the Hopi Tribe, and Salt River Project.  
23 The purpose of this case is to consider the claims made for water rights that are the subject of the  
24 WFR and resolve the objections to the WFR.  
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1 **Claimant & Landowners**

2 The WFR identified one SOC relevant to the potential water right: 39-88374. Jefferson  
3 and Alice Larson filed the SOC claiming water for irrigation and storage uses. The WFR lists  
4 Jefferson J. Larson as the owner of the property described as located in the southwest quarter of  
5 the southwest quarter of the northwest quarter of Section 26, Township 9N Range 22E.

6 The records of the Navajo County Assessor indicate that Wheatfield and Frog Island,  
7 LLC is now the current owner of the land described in the WFR, which comprises tax parcel no.  
8 212-31-011. The records of the Navajo County Recorder show that in 2005, Jefferson and Alice  
9 Larson transferred tax parcel no. 212-31-011 to Wheatfield and Frog Island, LLC. A copy of the  
10 map prepared by the Navajo County Assessor showing tax parcel no. 212-31-011 is attached as  
11 Attachment C.

12 The public records of the Arizona Department of Water Resources do not contain an  
13 assignment of the SOC from Jefferson J. Larson to the current landowner, and the current  
14 landowner has not filed a SOC.

15  
16 **IT IS ORDERED:**

17 1. Contested Case. This contested case shall be known as *In Jefferson J. Larson*,  
18 and it will determine appropriable water rights asserted in the Statement of Claimant and  
19 objections that were filed to Watershed File Report 033-56-ACDB-026 published in the Final  
20 Silver Creek Watershed Hydrographic Survey Report (1991). Copies of objections can be found  
21 under the case name and number on the following website:  
22 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)  
23 [asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

24 2. Litigants. The litigants in this contested case are the Claimants, all persons who  
25 filed objections to the WFR, the current landowner, and parties who are allowed to intervene by  
26 order.  
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1           3.     Court-Approved Mailing List.

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

7           B.     A copy of any pleading filed with the Clerk of the Apache County  
8           Superior Court in this case shall be served upon each person listed on the  
9           Court-approved mailing list.  
10          C.     Claimants wishing to be added or removed from the mailing list shall file

11          a motion with the Special Master. Parties allowed to intervene will be  
12          automatically added to the Court-approved mailing list.  
13          D.     The Clerk of the Court will send copies of all minute entries and orders

14          issued in this case to the parties listed on the Court-approved mailing list.  
15          16

17          4.     Status Conference.    An initial status conference shall be held to determine  
18          whether the current landowner, Wheatfield and Frog Island, LLC, intends to pursue claims for  
19          rights to appropriable water for irrigation use. If no person claiming a water right appears at the  
20          Status Conference, then Statement of Claimant 39-88374 and this case will be dismissed, and no  
21          further action will be taken with respect to the WFR or the objections filed to the WFR.  
22

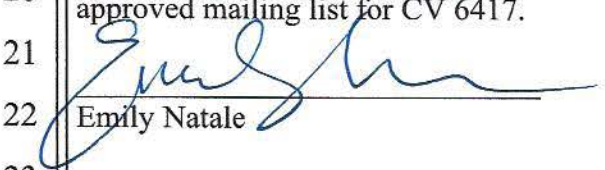
23                The Status Conference shall be held on **March 2, 2023 at 2:30 p.m.** The Status  
24          Conference shall be held using the Court Connect program. Instructions for Court Connect are  
25          attached as Attachment E. If you receive this Order by email, click on the red box “Join Court  
26          Connect Hearing” on the attached instructions to make an appearance. If you do not receive this  
27          Order by email, log into the Court Connect program on the internet by typing  
28

1 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend  
2 telephonically using the telephone number and access code included in the instructions for Court  
3 Connect. Alternatively, you may attend telephonically using the following instructions:  
4

5 Instructions for telephonic appearance:  
6 Dial: 602-506-9695 (local)  
7 1-855-506-9695 (toll free long distance)  
8 Dial Participant Pass Code 357264#

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11 SUSAN WARD HARRIS  
12 Special Master  
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17 On January 18, 2023, the original of the foregoing was delivered  
18 to the Clerk of the Apache County Superior Court for filing and  
19 distributing a copy to all persons listed on the Court-approved  
20 mailing list for this contested case, a copy of which is attached  
21 hereto as Attachment D, and to all persons listed on the Court-  
22 approved mailing list for CV 6417.

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24 Emily Natale  
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**ATTACHMENT A**

LAND OWNER	WATERSHED FILE NO.
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LARSON, JEFFERSON J.	033-56-ACDB-026

## 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
33-0090117	PROTEST	IRRIGATION	8.00	SWNW26	090N	220E	< 1985	SWNW26	090N	220E
		STOCKWATERING	.03							
		OTHER	2.00							
39-0088374		IRRIGATION	8.00	SWSWNW26	090N	220E	< 1936	SWSWNW26	090N	220E
		STOCKPOND	20.00							
		OTHER	2.00							

## 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
33-0090117				
39-0088374	IRRIGATION STOCKWATERING REC/FISH/WDLF	IRRIGATION INCIDENTAL INCIDENTAL	PO1	IROO1

## D I V E R S I O N S

DIV #	LOCATION SECTION	TWNP	RNGE	DRAINAGE AREA/ WATER SOURCE NAME	DIVERSION NAME	REMARKS
PO1	SWSWNW26	090N	220E	BILLY CREEK	RAINBOW LAKE	

## U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCE	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
IROO1	SWNW26	090N	220E	PO1	SURFACE	1953	NO	

## P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	** APPARENT FIRST USE DATE	** APPARENT FIRST USE DATA SOURCE	DRAINAGE AREA/ WATER SOURCE NAME
IROO1	39-0088374	NONE	1936	39-88374	BILLY CREEK
NONE	NONE	33-0090117			

## 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	7.3 7.3	5.5 AF/AC 2.8 AF/AC	40.1 AFA 20.4 AFA	DEFICIT IRRIGATION

## E X P L A N A T I O N

## FILINGS AND DECREES

FILING 39-88374 CLAIMS AN IMPOUNDMENT ON LARSON DRAW NAMED FROG ISLAND POND. THE RESERVOIR CLAIMED IS PART OF RAINBOW LAKE WHEN THE LAKE IS AT SPILLWAY ELEVATION.  
FILING 33-90117 IS UNDER PROTEST.

## DIVERSIONS

P1 - PUMP DIVERTS WATER FROM RAINBOW LAKE FOR IRRIGATION USE.  
RAINBOW LAKE IS LOCATED ON WALNUT CREEK WITHIN THE BILLY CREEK DRAINAGE AREA.

## USES AND RESERVOIRS

IR1 - IRRIGATED PASTURE.

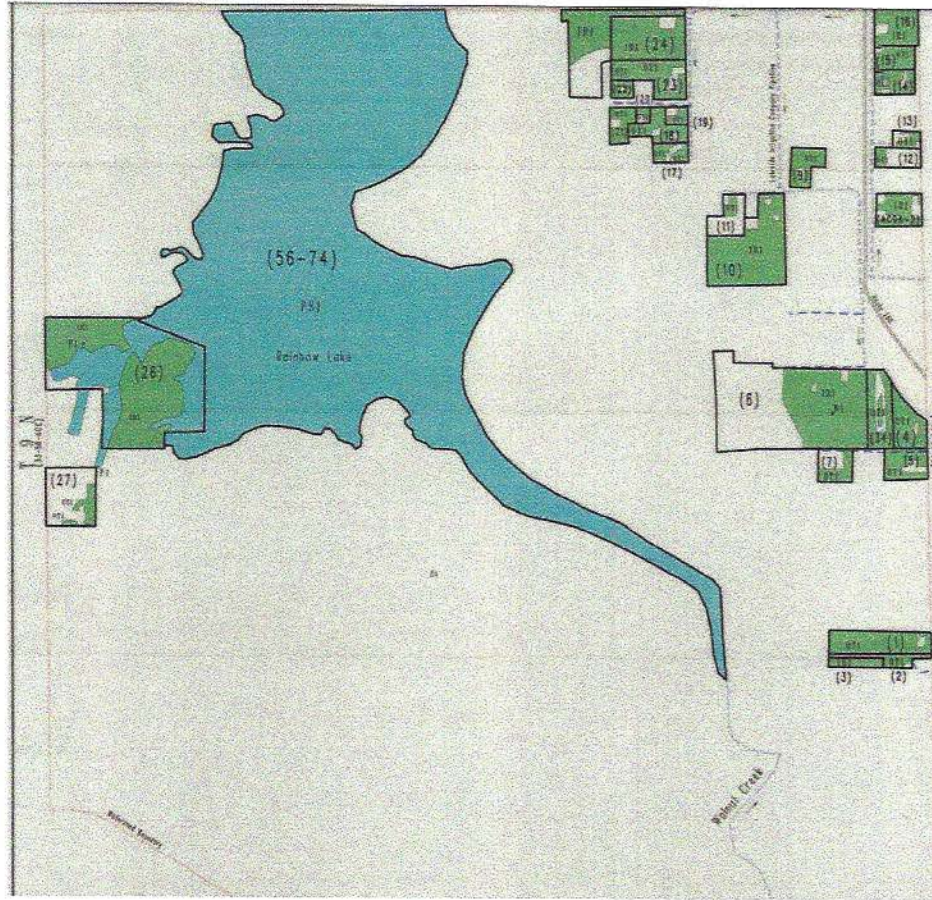
DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

COMMENT INDICATED A DISCREPANCY IN THE PARCEL SIZE AND THE TOTAL REPORTED IRRIGATED ACREAGE. A REVIEW OF NAVAJO COUNTY ASSESSOR RECORDS AND A FIELD INVETSIGATION VERIFIED THE PARCEL PARCEL BOUNDARIES AND THE EXTENT OF THE CURRENT IRRIGATED ACREAGE. LAND LOCATED ON THE PENINSULA OF RAINBOW LAKE IS PART OF ONGOING LAKEFRONT RECLAMATION PROJECT.

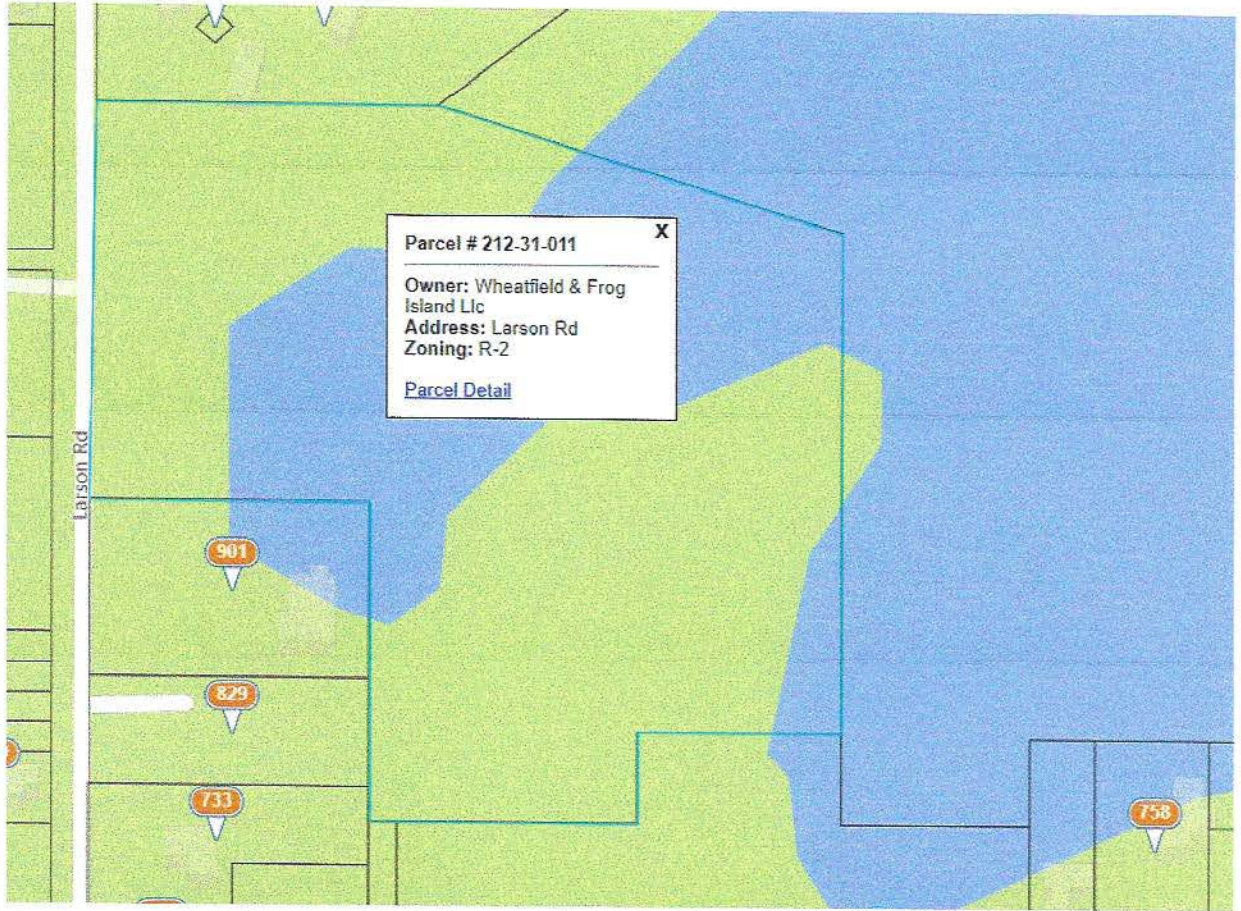


# ATTACHMENT B

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# ATTACHMENT C



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# ATTACHMENT D

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3 Arizona Department of Water Resources  
4 Kimberly R. Parks and Kome Akpolo  
5 1110 West Washington, Suite 310  
6 Phoenix, AZ 85007

7 Clerk of the Superior Court  
8 Maricopa County  
9 Attn: Water Case  
10 601 West Jackson Street  
11 Phoenix, AZ 85003

12 Jefferson J. Larson  
13 8215 E Wilshire Dr.  
14 Scottsdale, Arizona 85257

15 Special Master Susan Ward Harris  
16 Superior Court of Arizona  
17 201 W. Jefferson Street  
18 Courtroom 301  
19 Phoenix, AZ 85003

20 Salt River Project  
21 J. B. Weldon, M. A. McGinnis, M. K. Foy  
22 Salmon, Lewis & Weldon  
23 2850 E. Camelback Rd. Suite 200  
24 Phoenix, AZ 85016

Mark J. Widerschein & Maggie Woodward  
United States Department of Justice  
Environment & Natural Resources Division  
PO Box 7611, Ben Franklin Station  
Washington, DC 20044

Wheatfield and Frog Island, LLC  
Richard H. Bloomfield  
4858 E Baseline Road #101  
Mesa, AZ 85206

Stanley M. Pollack, Doreen N. McPaul &  
Rodgerick T. Begay  
Navajo Nation Department of Justice  
P. O Drawer 2010  
Window Rock, AZ 86515

Office of General Counsel  
of the Hopi Tribe  
P. O. Box 123  
Kykotsmovi, AZ 86039

Regional Director San Juan Southern  
Paiute Tribe  
Western Regional Office, BIA  
2600 North Central Avenue  
Phoenix, AZ 85004

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# ATTACHMENT E



## Court Connect Hearing Notice for In re Jefferson J. Larson

*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 Jefferson J. Larson, Contested Case No. CV6417-33-7002

**Start Date/Time:** March 2, 2023 at 2:30 p.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](#)

