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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

IN RE THE GENERAL  
ADJUDICATION OF ALL RIGHTS  
TO USE WATER IN THE GILA  
RIVER SYSTEM AND SOURCE

W-1, W-2, W-3, W-4 (Consolidated)

Contested Case No. **W1-11-0015**

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

CONTESTED CASE NAME: *In re ASLD – Three Sisters Land and Cattle Company*

HSR INVOLVED: San Pedro Hydrographic Survey.

DESCRIPTIVE SUMMARY: The Clerk of Maricopa County Superior Court is directed to initiate W1-11-0015. ASLD is ordered to notify current lessee(s) of this proceeding. ADWR is ordered to clarify whether the San Pedro watershed boundary intersects the land investigated in this case. Initial conference set for **July 24, 2024, at 11:00 a.m.**

NUMBER OF PAGES: 13

**General Explanation**

This order opens a case to determine rights to use water on land owned by the State of Arizona.

The first step in this case is an initial conference with the Court, scheduled for **July 24, 2024, at 11:00 a.m.** to determine if landowners are interested in pursuing potential water rights. Interested Parties **MUST** attend the scheduled initial conference if they plan

1 to pursue potential water rights. Failure to appear at the initial conference could result in  
2 the dismissal of the case and the loss of water rights associated with the properties.

3 In this case, two (2) Statements of Claimant (“SOCs”), 39-2491 and 39-7658, were  
4 filed on February 4, 1980, and July 28, 1980, by Sherry L. Duran and the Arizona State  
5 Land Department (“ASLD”) to assert claims to use water on land in SENE Section 2  
6 Township 19S, Range 23E.

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

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

12  
13 **Details of the Case**

14 The SOC claimed rights to use surface water for stock watering purposes, i.e.  
15 watering 65 head of cattle.

16 The Arizona Department of Water Resources (“ADWR”) investigated the claims  
17 made by the Claimants and prepared Watershed File Report (“WFR”) No. 111-18-004,  
18 published in the Final San Pedro Watershed Hydrographic Survey Report (1991) (“San  
19 Pedro HSR”). The WFR recorded that “Buckshot Spring,” located in NWSENE Section  
20 2 Township 19 South, Range 23 East, was being used for stock watering purposes. A  
21 copy of the WFR is attached as Attachment B.

22 After ADWR issued the WFR, objections were filed to the findings made in the  
23 WFR by the ASLD, the Gila River Indian Community, San Carlos Apache Tribe, Tonto  
24 Apache Tribe, the Yavapai-Apache Nation of the Camp Verde Indian Reservation.

25 **Claimant and Landowners**

26 The WFR lists ASLD as the owner of the property investigated and Three Sisters  
27 Land and Cattle Company, Inc. as the lessee. According to information provided by  
28 ADWR, the land investigated for WFR 111-18-004 appears to comprise a portion of

1 ASLD Lease Number 5-1167. Specifically, ADWR investigated portions of Sections 26,  
2 34, and 35 of Township 18S, Range 23E, and all of Section 2 of Township 19S, Range  
3 23E.

4 Further, according to information provided by the online Arizona State Trust Land  
5 Parcel Viewer, it appears that the current lessees of the land investigated remain Three  
6 Sisters Land and Cattle Company.<sup>1</sup>

7 A copy of a map, provided by ADWR, showing the boundaries of the investigation  
8 area is attached as Attachment C. A map provided by ASLD showing the ASLD parcel  
9 investigated, and the current lessees is attached as Attachment D. Note that ADWR  
10 investigated only a portion of this parcel.

11 The public records of the Arizona Department of Water Resources do not contain  
12 any assignments of the SOC listed in the WFR, and the landowner and lessees do not  
13 appear to have filed any SOC's since the issuance of the San Pedro Hydrographic Survey  
14 Report.

15 To pursue water rights, a property owner must file a Statement of Claimant and  
16 present to the Court evidence of the existence of a water right on their property. This  
17 evidence may include the WFR. If either the property owner proves to the Court the  
18 existence of water rights on their property or enters into a valid settlement approved by  
19 the Court, the Court will recognize enforceable water rights in a "Final Decree." Ariz.  
20 Rev. Stat. § 45-257(B).

21 This is an Order from the Court. All parties must comply with the following  
22 instructions. The failure to obey this, or any, court order may result in the dismissal of  
23 this case and the loss of any potential water rights associated with the properties  
24 mentioned in this Order. If you have questions regarding this order or any of the  
25 attachments, please contact the General Stream Adjudication, Office of the Special Water  
26 Master, at (602) 372-4115. Please note that staff can only answer administrative  
27

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28 <sup>1</sup> <http://gis.azland.gov/webapps/parcel/>, last viewed June 7, 2024.

1 questions and cannot provide legal advice.

2  
3 **IT IS ORDERED:**

4 1. Case Initiation. This contested case shall be known as *In re ASLD –*  
5 *Three Sisters Land and Cattle Company*, and it will resolve claims to  
6 appropriable water asserted in Statements of Claimant 39-2491 and 39-7658  
7 as well as objections that were filed to Watershed File Report No. 111-18-  
8 004.

9 2. Initial Conference. An initial conference shall be held on **July 24, 2024, at**  
10 **11:00 a.m.** to determine whether current landowners intend to pursue claims  
11 for water rights. The conference will be held using the Court Connect program.  
12 Instructions for Court Connect are attached as Attachment F. If you receive  
13 this order by email, click on the red box “Join Court Connect Hearing” on the  
14 attached instructions to make an appearance. If you do not receive this order  
15 by email, log into the Court Connect program on the internet by typing  
16 <https://tinyurl.com/specialwatermaster>. If you do not have access to the  
17 internet, you may attend telephonically using the telephone number and access  
18 code included in the instructions for Court Connect.

19 3. Parties. The litigants in this contested case are the original claimants, the  
20 current landowners, and any party who filed an objection to the Watershed File  
21 Report. Arizona State Land Department shall notify current lessee(s) of this  
22 proceeding. The objectors in this case are the Arizona State Land Department,  
23 Gila River Indian Community, San Carlos Apache Tribe, Tonto Apache Tribe,  
24 and the Yavapai-Apache Nation of the Camp Verse Reservation.

25 4. Clarification Watershed Boundaries. ADWR shall clarify during the initial  
26 conference whether the watershed boundary depicted on the map attached as  
27 Attachment C is the current boundary for the San Pedro Watershed.

28 5. Objections. Copies of the objections filed to WFR No. 111-18-004 can be

1 found under the case number W1-11-0015 on the following website:  
2 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudi>  
3 [cation/whatsNew.asp.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudi)

4 6. Court-Approved Mailing List.

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

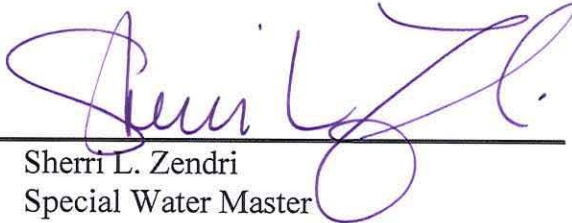
10 B. A copy of any pleading filed with the Clerk of the Maricopa County  
11 Superior Court in this case shall be served upon each person listed  
12 on the Court-approved mailing list.

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

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

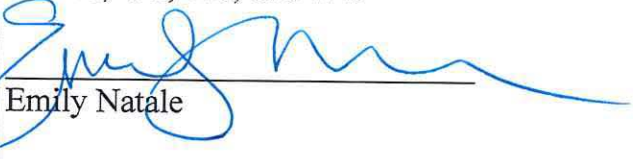
19 E. Claimants who would like to receive courtesy copies of minute  
20 entries and orders may request inclusion on an email list by sending  
21 a request to [emily.natale@jbazmc.maricopa.gov](mailto:emily.natale@jbazmc.maricopa.gov).

22  
23 Signed this 12<sup>th</sup> day of June 2024.

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28 Sherri L. Zendri  
Special Water Master

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On June 12, 2024, the original of the foregoing was delivered to the Clerk of the Maricopa 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, and to all persons listed on the Court-approved mailing list for W1, W2, W3, and W4.

  
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 Gila 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**



AS OF 10/11/91

LAND OWNER	WATERSHED FILE REPORT NUMBER	LESSEE/ALLOTTEE	LEASE-PERMIT ID
SLD	111-18-004	THREE SISTERS LAND & CAT. & COMPANY, INC.	05-1327

PHOTO ID - 21-26 (85)                      QUAD 1 - PEARCE

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
36-0004786		STOCK REC/FISH/WLDFL	.31 .03	SENE02	190S	230E	< 1884	SENE02	190S	230E
39-0002491		STOCK	.10	SENE02	190S	230E	1897	SENE02	190S	230E
39-0007658	AMENDED	STOCK REC/FISH/WLDFL	.31 .03	SENE02	190S	230E	1910	SENE02	190S	230E

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
36-0004786	STOCK WILDLIFE	SPRING SPRING		SW001
39-0002491	STOCK	SPRING		SW001
39-0007658	STOCK WILDLIFE	SPRING SPRING		SW001

U S E S

PWR #	LOCATION SECTION TWNP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
SW001	NWSENE02 190S 230E		SURFACE WATER		NO	BUCKSHOT SPRING

P W R   S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
SW001	39-0002491 39-0007658	36-0004786	1884 FILING 36-4786	SURFACE WATER: SAN PEDRO RIVER

Q U A N T I T I E S   O F   U S E

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
SW001							SEE VOLUME 1 - GENERAL ASSESSMENT

E X P L A N A T I O N

USES AND RESERVOIRS

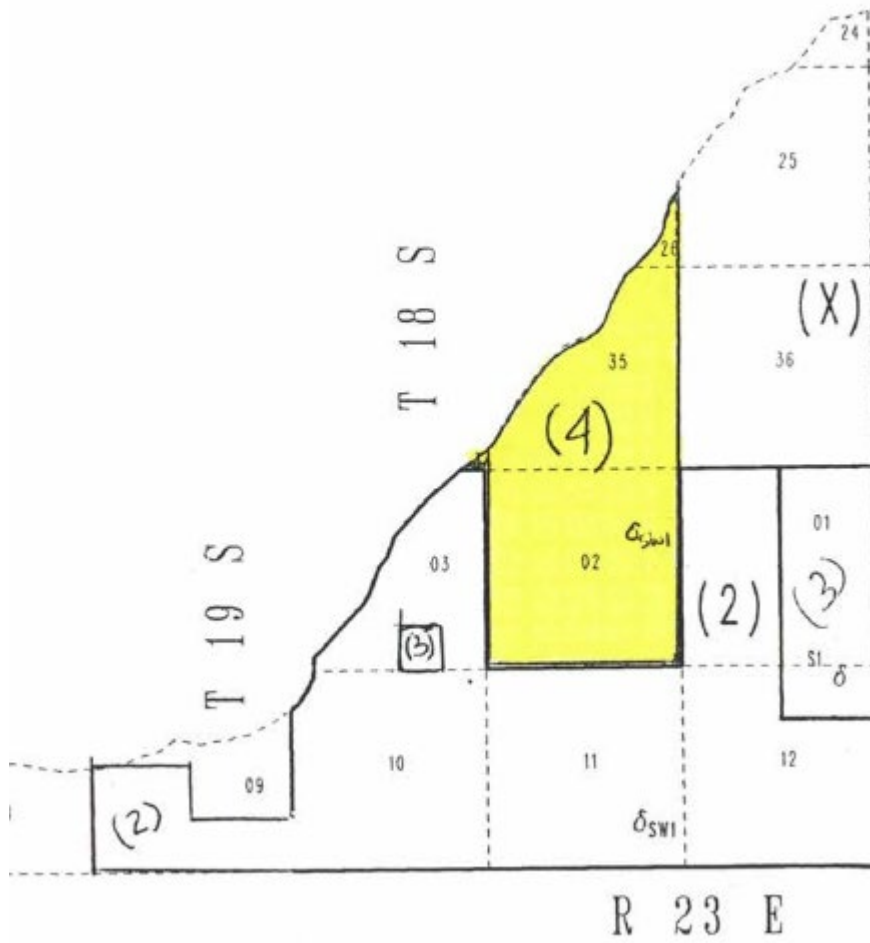
SW1 - STOCKWATERING AND WILDLIFE USES FROM BUCKSHOT SPRING.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED FROM THE LAND OWNER WHICH QUESTIONED D.W.R.'S FINDINGS OF "NO USE FOUND" FOR FILING 39-7658. AT THE TIME OF THE ORIGINAL INVESTIGATION, THERE WERE NO WATER RIGHTS FILINGS THAT WERE APPLICABLE TO THIS W.F.R.. THEREFORE, NO POTENTIAL WATER RIGHT (P.W.R.) WAS CREATED FOR BUCKSHOT SPRING. SLD SUBSEQUENTLY FILED AN AMENDMENT TO FILING 39-7658 AND SUBMITTED WATER RIGHT FILING 36-4786 CLAIMING BUCKSHOT SPRING. THE W.F.R WAS REANALYZED AND A SPRING P.W.R. SW1 WAS CREATED.

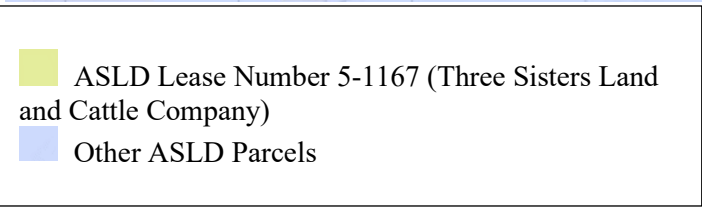
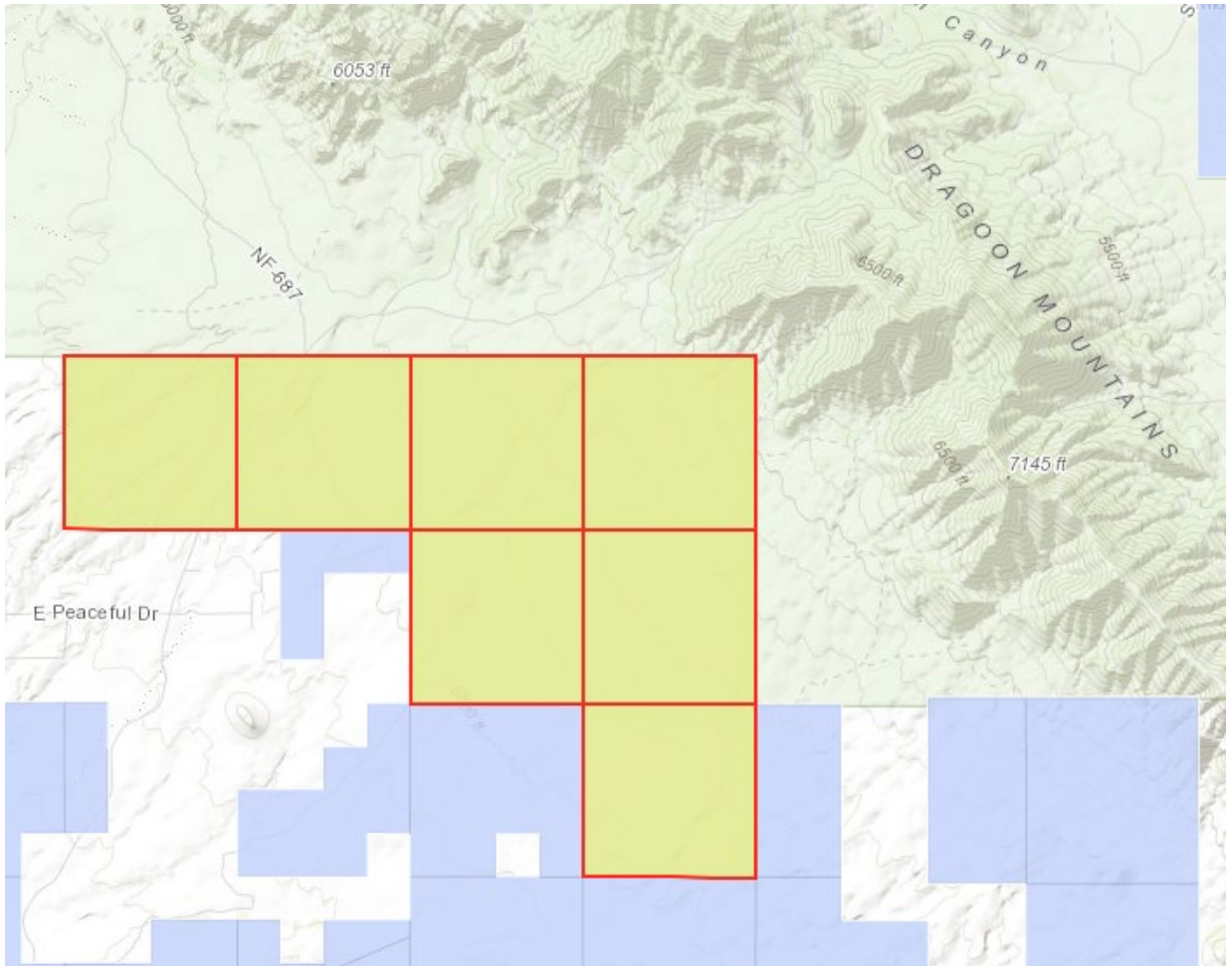
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**ATTACHMENT C**  
**ADWR Parcel Map**



**Attachment D**

**Arizona State Land Department Map**



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**ATTACHMENT E**

**Initial Court-Approved Mailing List**

Arizona Department of Water Resources Kimberly R. Parks and Karen J. Nielsen 1110 West Washington, Suite 310 Phoenix, AZ 85007	Jeremiah Weiner, Kent Millward, Brett J. Stavin, and Lauren Mulhern Rosette, LLP. 120 S. Ash Avenue, Suite 201 Tempe, AZ 85281
Clerk of the Superior Court Maricopa County Attn: Water Case 601 West Jackson St. Phoenix, AZ 85003	Susan B. Montgomery, Robyn Interpreter, Montgomery & Interpreter PLC 3301 E Thunderbird Road Phoenix, AZ 85032
Special Master Sherri Zendri Superior Court of Arizona 201 W. Jefferson Street Courtroom 301 Phoenix, AZ 85003	Gila River Indian Community Javier Ramos and Sunshine Manuel Office of the General Counsel P.O. Box 97 Sacaton, AZ 85147
Alexander B. Ritchie San Carlos Apache Tribe Office of the Attorney General PO Box 40 San Carlos, AZ 85550	David F. Jacobs and Kevin P. Crestin Arizona Attorney General Natural Resources Section 2005 North Central Phoenix, AZ 85004
Joe P. Sparks and Laurel A. Hermann The Sparks Law Firm, P.C. 7503 First Street Scottsdale, AZ 85251-4573	Three Sisters Land and Cattle Company, Inc. c/o Dwight Babcock 13581 East Deer Run Trail Tucson, AZ 85749

**ATTACHMENT F**



**Court Connect Hearing Notice for In re ASLD – Three Sisters Land and Cattle Company**

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 ASLD – Three Sisters Land and Cattle Company**

**Contested Case No. W1-11-0015**

**Start Date/Time: July 24, 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](#)