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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 (Salt)  
W-2 (Verde)  
W-3 (Upper Gila)  
W-4 (San Pedro)  
Consolidated

CONTESTED CASE NO. W1-11-2844

ORDER GRANTING SUMMARY  
ADJUDICATION AND  
RESCHEDULING STATUS CONFERENCE

CONTESTED CASE NAME: *In re ASLD - John and Mary Lou Smith*  
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.  
DESCRIPTIVE SUMMARY: Summary adjudication of additional Potential Water Rights is granted, and status conference is rescheduled for **August 31, 2023 at 10:30 a.m.**  
NUMBER OF PAGES: 8

This case was initiated January 27, 2023, to consider the claims for water rights filed by John Smith and the Arizona State Land Department (“ASLD”) for stockponds and stock and wildlife watering and to resolve objections to Watershed File Report 114-03-005

1 (“WFR”) published in the Final San Pedro River Watershed Hydrographic Survey Report  
2 (1991).

3 The WFR identified four Potential Water Rights ("PWRs") associated with this  
4 contested case: two stockponds and two stock watering. The Arizona Department of  
5 Water Resources ("ADWR") was ordered to prepare draft abstracts for SP001 and SW002  
6 as part of the January 27, 2023, Case Initiation Order (“Order”). On February 28, 2023  
7 ADWR filed a Notice of Filing Abstracts and Maps for SP001 and SW002. On March 2,  
8 2023, ADWR filed a Notice of Errata that included a correction to the draft abstract for  
9 SW002. A draft abstract was not prepared for SP002 because the stated capacity in the  
10 WFR was greater than 15 acre feet (“AF”) and therefore not eligible for summary  
11 adjudication through the de minimis process. However, a subsequent review of documents  
12 related to this stockpond by ASLD determined that the actual capacity of SP002 is 1.5 AF.  
13 This smaller capacity does qualify SP002 for summary adjudication under the de minimis  
14 process. Additionally, the Order did not request ADWR prepare a draft abstract for SW001.  
15 However, this PWR was identified in the WFR and is also eligible for summary adjudication  
16 under the de minimis process.

17 ASLD has requested summary adjudication for SP002 and SW001 in addition to  
18 SP001 and SW002 and has prepared draft abstracts and maps for SP002 and SW001. The  
19 draft abstracts have been provided to the court and were distributed to all parties on June 15,  
20 2023.

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1 **Summary Adjudication of Claims**

2 Qualifying claims for rights to water for domestic use, stock watering, and certain  
3 stockponds in the San Pedro Watershed, and the objections to the Watershed File Reports  
4 that examine those claims may be determined using an expedited process. The process is  
5 set forth in the Memorandum Decision, Findings of Fact, and Conclusions of Law for  
6 Group 1 Cases involving Stockwatering, Stockponds, and Domestic Uses, dated November  
7 14, 1994, amended February 23, 1995, approved and modified September 27, 2002  
8 (“Decision”). Having reviewed the information provided by ASLD in their June 15, 2023,  
9 motion,

10 **IT IS ORDERED** granting summary adjudication of SP002 and SW001 included in  
11 WFR 114-03-005.

12 **IT IS FURTHER ORDERED** all parties, including ADWR, shall review the draft  
13 abstracts and maps for SP001, SP002, SW001, and SW002 and provide comments to the  
14 Court by **August 25, 2023**.

15 To allow the parties sufficient time to review and provide comments to all proposed  
16 abstracts in this case,

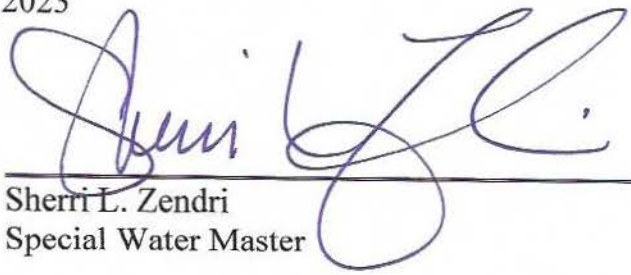
17 **IT IS FURTHER ORDERED** that the status conference scheduled for August 4,  
18 2023 is rescheduled for **August 31, 2023, at 10:30 a.m.** At the status conference, the parties  
19 shall be prepared to discuss any suggested corrections to the abstracts.

20 The Status Conference will be held using the Court Connect program. Instructions  
21 for Court Connect are attached as Attachment A. If you receive this Order by email, click on  
22 the red box “Join Court Connect Hearing” on the attached instructions to make an appearance.  
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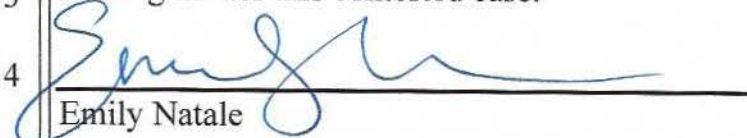


1 If you do not receive this Order by email, log into the Court Connect program on the internet  
2 by typing <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet,  
3 you may attend telephonically using the telephone number and access code included in the  
4 instructions for Court Connect.

5 Signed this 18 day of July 2023

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7  
8 Sherri L. Zendri  
Special Water Master

9  
10  
11 The original of the foregoing was delivered to the Clerk  
12 of the Maricopa County Superior Court on  
13 JULY 18, 2023, for filing and distributing  
a copy to all persons listed on the Court approved  
mailing list for this contested case.

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15 Emily Natale

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Court Approved Mailing List  
In re ASLD - John and Mary Lou Smith Contested Case No. W1-11-2844  
W1-11-2844 (14 Names)  
Prepared by the Special Master  
7/17/2023

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# **ATTACHMENT A**

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## Court Connect Hearing Notice for In re ASLD - John and Mary Lou Smith

*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 - John and Mary Lou Smith, Contested Case No. W1-11-2844

**Start Date/Time:** August 31, 2023 at 10:30 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](#)

