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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. **W1-11-3109**

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

CONTESTED CASE NAME: *In re Walterio G. and Teresita Romero*
HSR INVOLVED: San Pedro Hydrographic Survey.
DESCRIPTIVE SUMMARY: The Clerk of Maricopa County Superior Court is directed to initiate W1-11-3109. Initial conference set for **April 25, 2024, at 10:00 a.m.**
NUMBER OF PAGES: 14

General Explanation

This order opens a case to determine rights to use water on land owned by Walterio Romero. The first step in this case is an initial conference with the Court, scheduled for **April 25, 2024, at 10:00 a.m.** to determine if landowners are interested in pursuing potential water rights. Interested Parties **MUST** attend the scheduled initial conference if they plan 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 properties.

In this case, Walterio Romero filed Statement of Claimant (“SOC”) 39-2402 on

1 December 31, 1979, to assert claims to use water on land in Section 5 Township 6 South,
2 Range 16 East.

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

5
6 **Additional background information on the process for determining water rights**
7 **in Arizona can be found on Attachment A.**

8
9 **Details of the Case**

10 On December 31, 1979, Walterio Romero (“Claimant”) filed Statement of
11 Claimant (“SOC”) 39-2402, which claimed rights to use groundwater for domestic and
12 irrigation purposes.

13 The Arizona Department of Water Resources (“ADWR”) investigated the claims
14 made by the Claimant and prepared Watershed File Report No. 114-04-BAB-033
15 (“WFR”), published in the Final San Pedro Watershed Hydrographic Survey Report
16 (1991) (“San Pedro HSR”). The WFR recorded that a well in SWNWSW Section 5
17 Township 6 South, Range 16 East was being used for domestic and irrigation purposes.
18 The WFR also recorded that surface water was being used for stockpond purposes.
19 ADWR also published a map of the area investigated, denoted by “(33).” A copy of the
20 WFR is attached as Attachment B, and a copy of the map is attached as Attachment C.

21 After ADWR issued the WFR, objections were filed to the findings made in the
22 WFR by the United States, ASARCO, the Gila River Indian Community, San Carlos
23 Apache Tribe, Tonto Apache Tribe, the Yavapai-Apache Tribe, the Camp Verde
24 Reservation, and the Salt River Project.

25
26 **Claimant and Landowners**

27 The WFR lists Walterio G. and Teresita Romero as the owners of the property
28 investigated. According to maps provided by ADWR and the Pinal County Assessor

1 (“Assessor”), the land investigated appears to comprise Pinal County tax parcels 300-18-
2 017A, 300-18-017B, and 300-18-017C.

3 A copy of a parcel map of the investigation area provided by ADWR is attached
4 as attachment D. A map showing the relevant tax parcels, the San Pedro River subflow
5 zone, and the approximate location of the well supplying the domestic and irrigation uses
6 detailed in the WFR is attached as Attachment E.

7 The public records of the Arizona Department of Water Resources do not contain
8 any assignments of the SOC listed in the WFR, and the current landowners do not appear
9 to have filed any additional SOCs.

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

16 This is an Order from the Court. All parties must comply with the following
17 instructions. The failure to obey this, or any, court order may result in the dismissal of
18 this case and the loss of any potential water rights associated with the properties
19 mentioned in this Order. If you have questions regarding this order or any of the
20 attachments, please contact the General Stream Adjudication, Office of the Special Water
21 Master, at (602) 372-4115. Please note that staff can only answer administrative
22 questions and cannot provide legal advice.

23
24 **IT IS ORDERED:**

- 25 1. Case Initiation. This contested case shall be known as *In re Walterio G.*
26 *and Teresita Romero*, and it will resolve claims to appropriable water
27 asserted in Statement of Claimant 39-2402 and objections that were filed to
28 Watershed File Report No. 114-04-BAB-033.

1 2. Initial Conference. An initial conference shall be held on **April 25, 2024,**
2 **at 10:00 a.m.** to determine whether current landowners intend to pursue claims
3 for water rights. The conference will be held using the Court Connect program.
4 Instructions for Court Connect are attached as Attachment G. If you receive
5 this order by email, click on the red box “Join Court Connect Hearing” on the
6 attached instructions to make an appearance. If you do not receive this order
7 by email, log into the Court Connect program on the internet by typing
8 <https://tinyurl.com/specialwatermaster>. If you do not have access to the
9 internet, you may attend telephonically using the telephone number and access
10 code included in the instructions for Court Connect.

11 3. Parties. The litigants in this contested case are the Claimant, the current
12 landowners, and any party who filed an objection to the Watershed File Report.
13 The objectors in this case are the United States, ASARCO, the Gila River
14 Indian Community, San Carlos Apache Tribe, Tonto Apache Tribe, the
15 Yavapai-Apache Tribe, the Camp Verde Reservation, and the Salt River
16 Project.

17 4. Objections. Copies of the objection filed to WFR No. 114-04-BAB-033 can be
18 found under the case number W1-11-3109 on the following website:
19 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudi](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
20 [cation/whatsNew.asp.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

21 5. Court-Approved Mailing List.

22 A. The initial Court-approved mailing list for this case shall include all
23 persons listed on Attachment F to this order. The list may be
24 modified only by filing a motion with the Special Master to amend
25 the Court-approved mailing list. Litigants are responsible for using
26 the current Court-approved mailing list.

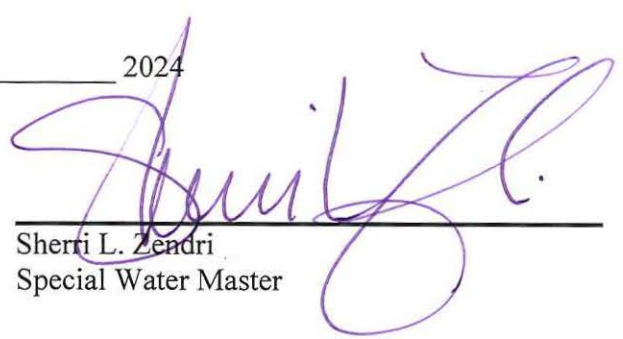
27 B. A copy of any pleading filed with the Clerk of the Maricopa County
28 Superior Court in this case shall be served upon each person listed

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on the Court-approved mailing list.

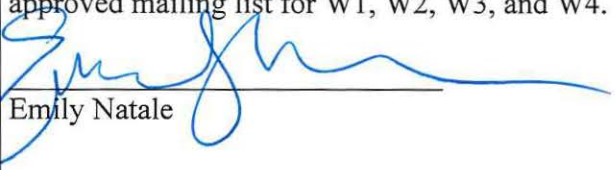
- C. Claimants wishing to be added or removed from the mailing list shall file a motion with the Special Master. Parties allowed to intervene will be automatically added to the Court-approved mailing list.
- D. The Clerk of the Court will send copies of all minute entries and orders issued in this case to the parties listed on the Court-approved mailing list.
- E. Claimants who would like to receive courtesy copies of minute entries and orders may request inclusion on an email list by sending a request to emily.natale@jbazmc.maricopa.gov.

Signed this 1st day of April 2024



Sherri L. Zendri
Special Water Master

On April 1, 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

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
ROMERO, WALTERIO G.	114-04-BAB-033
& TERESITA	

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
39-0002402	QUE.RECD	IRRIGATION DOMESTIC	40.00 2.00	05 060S	160E		1959			

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
39-0002402	IRRIGATION DOMESTIC	IRRIGATION DOMESTIC	WO1	DMOO1, IROO1

D I V E R S I O N S

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	SWNWSW05	060S	160E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	CHANGE	FACILITY NAME
DMOO1	NWSWSW05	060S	160E	WO1	GROUNDWATER : ZONE 1			NO
IROO1	NWSW05	060S	160E	WO1	GROUNDWATER : ZONE 1	1969		NO
	SWSW05	060S	160E					

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
DMOO1	39-0002402	NONE			GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO1	39-0002402	NONE	1969	1969 AERIAL PHOTO	GROUNDWATER : ZONE 1 OF THE 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
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT
IROO1	MAX. OBSERVED REGIONAL	16.3	GRAIN CORN	32%	3.9 AF/AC	63.6 AFA	
	MAX. POTENTIAL	16.3	AVE. CROP	50%	5.4 AF/AC	88.0 AFA	
		16.3	ALFALFA	32%	10.4 AF/AC	169.5 AFA	

E X P L A N A T I O N

FILINGS AND DECREES
 FILING 39-2402 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH CLARIFIED ACREAGE, WATER USE LOCATIONS AND CLAIMED USE AMOUNTS.

DIVERSIONS
 W1 - WELL PROVIDES WATER FOR IRRIGATION AND DOMESTIC USES.

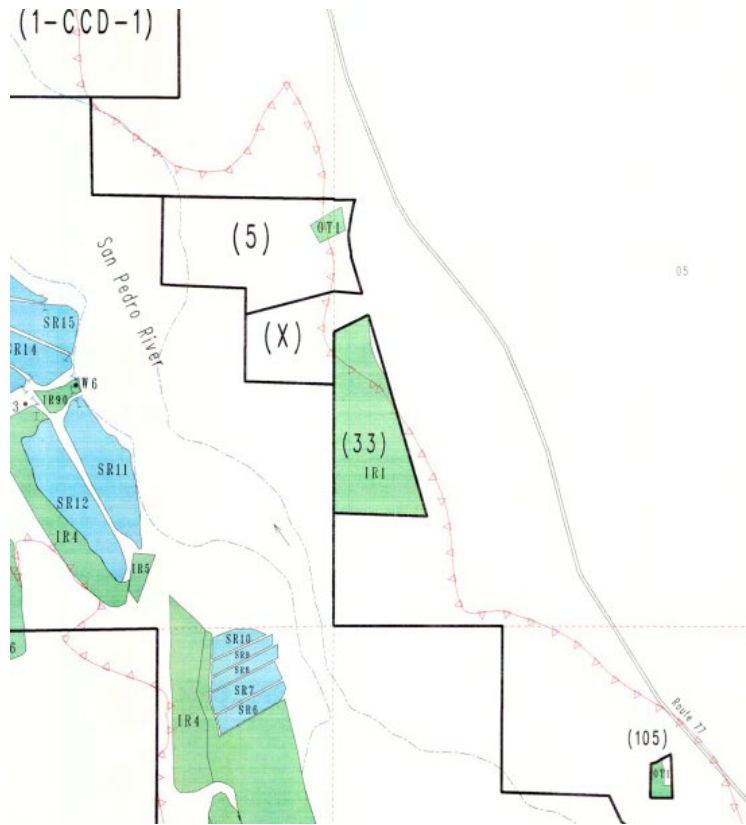
USES AND RESERVOIRS

DM1 - DOMESTIC USE.
IR1 - IRRIGATED CORN.



ATTACHMENT C

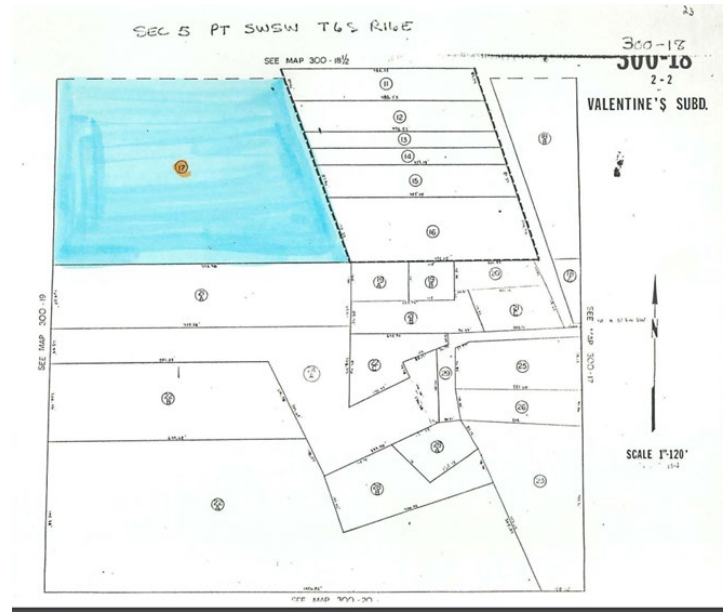
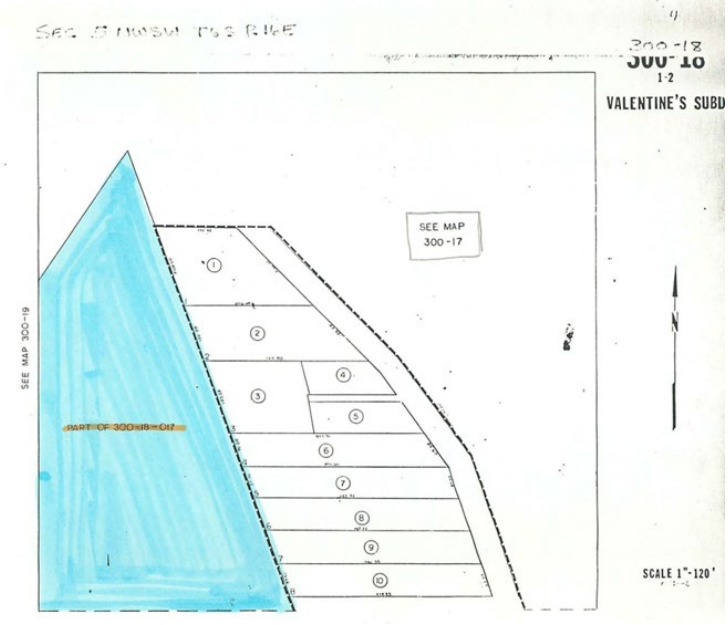
WFR Map



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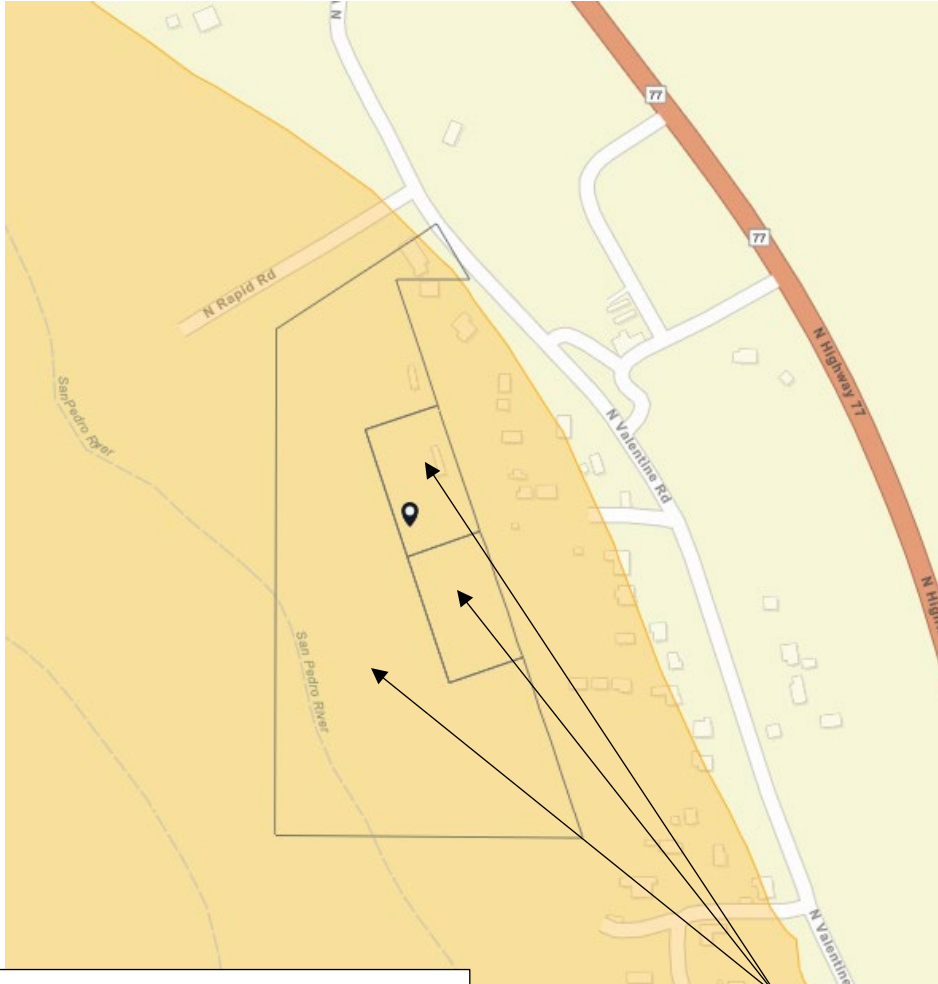
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ATTACHMENT D
ADWR Parcel Map




Attachment E
Assessor Map

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 Subflow zone

 Approximate well location

300-18-017A,
300-18-017B,
300-18-017C

Walterio Romero

ATTACHMENT F

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

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Fennemore Craig, P.C.
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Phoenix, AZ 85016-3429

Clerk of the Superior Court
Maricopa County
Attn: Water Case
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Phoenix, AZ 85003

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PLC
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Denver, CO 80202

Gila River Indian Community
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San Carlos Apache Tribe
Office of the Attorney General
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San Carlos, AZ 85550

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Winkelman, AZ 85192

Walterio Romero
P.O. Box 87
Winkelman, AZ 85192

ATTACHMENT G



Court Connect Hearing Notice for In re Walterio G. and Teresita Romero

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 Walterio G. and Teresita Romero

Contested Case No. W1-11-3109

Start Date/Time April 25, 2024 at 10:00 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](#)