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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 NO. CV 6417-33-5678

**ORDER INITIATING WATER RIGHTS
CASE AND SETTING A DATE FOR AN
INITIAL CONFERENCE**

CONTESTED CASE NAME: *In re Louis A. Petersen*
HSR INVOLVED: Silver Creek Hydrographic Survey
DESCRIPTIVE SUMMARY: The Clerk of Apache County is directed to initiate Case CV6417-033-5678. Status conference set for **January 11, 2024, at 10:30am.**
NUMBER OF PAGES: 15

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 CJM Ranch Properties, Raymond and Laura Shumway, and Raymond and Carolyn Speakman. The first step in this case is an initial conference with the Court, scheduled for **January 11, 2024, at 10:30am.** 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, Louis A. and Lorene K. Petersen filed Statements of Claimant (“SOCs”) 39-
2 88650, 39-88651, and 39-88652 on October 2, 1985, to assert claims to use water on land that
3 appears to include Navajo County tax parcels 409-13-001L, 409-13-004C, 409-13-004B, and
4 409-13-005. These parcels are currently owned by CJM Ranch Properties, Raymond and Laura
5 Shumway, and Raymond and Carolyn Speakman.

6 The first step in this case will be an initial conference to determine: 1) whether current
7 landowners intend to pursue rights to water and 2) the parcels of land that ADWR investigated in
8 creating the WFR for this case. At the conference, current landowners must be prepared to state
9 whether they intend to pursue water rights.

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

13
14 **Details of the Case**

15 On October 2, 1985, Louis A. and Lorene K. Petersen filed three Statements of Claimant
16 (“SOCs”) with the following claims:

SOC Number	Quantity	Water Source	Water Use	Use Location
39-88650	0.81 acre-feet per year	Surface Water	Irrigation, Domestic, Recreation	SW16 T10N R20E
39-88651	0.038 acre-foot impoundment	Surface Water	Stockpond, Irrigation, Domestic, Recreation	SW16 T10N R20E
39-88652	3.87 acre-feet per year	Surface Water	Irrigation, Domestic, Recreation	SW16 T10N R20E

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24 The Arizona Department of Water Resources (“ADWR”) investigated the claims made by
25 Louis A. and Lorene K. Petersen (“Claimants”) and prepared Watershed File Report No. 33-50-
26 DDC-001 (“WFR”), published in the Final Silver Creek Watershed Hydrographic Survey Report
27 (1991) (“Silver Creek HSR”). The WFR recorded that surface water was being used for domestic,
28 irrigation, stockpond, and small reservoir purposes within the area noted in the SOC. A copy of

1 the WFR is attached as Attachment B. A map that includes the area of land that was investigated
2 for the WFR, labeled as “(1)”, is attached as Attachment C.

3 After ADWR issued the WFR, objections were filed to the findings made in the WFR by
4 the United States, the Salt River Project, the Navajo Nation, the Hopi Tribe, and the San Juan
5 Southern Paiute Tribe. The purpose of this case is to consider the claims made for water rights in
6 SOCs 39-88650, 39-88651, and 39-88652 and to resolve the objections to the WFR.

7 8 **Claimant and Landowners**

9 The WFR lists Louis A. Peterson as the owner of the land investigated by ADWR.
10 According to maps obtained from the Navajo County Assessor (“Assessor”), the land investigated
11 appears to comprise tax parcels 409-13-001L, 409-13-004C, 409-13-004B, and 409-13-005.

12 Documents obtained from the Navajo County Recorder indicate that parcels 409-13-001L,
13 409-13-004B, and 409-13-005 belonged to Louis Peterson at the time of ADWR’s investigation,
14 but do not identify the owners of 409-13-004C at that time. As a result, at the initial conference,
15 the Court orders that ADWR confirm whether that parcel was investigated during the creation of
16 the WFR. Attachment D contains a description for each parcel of the relevant documents obtained
17 from the Navajo County Recorder.

18 The public records of the Arizona Department of Water Resources do not contain any
19 assignments of the SOCs listed in the WFR, and more recent SOCs do not appear to have been
20 filed with respect to the land at issue. A copy of the map prepared by the Assessor showing the
21 relevant tax parcels is attached as Attachment E.

22 In order obtain water rights, the property owners must file Statements of Claimant and
23 present to the Court evidence, which may include the WFR, showing the existence of water rights.
24 Alternatively, the property owners may settle with objectors. If either the property owners prove
25 to the Court the existence of water rights on their properties or enter into a valid settlement, the
26 court will recognize enforceable water rights in a “Final Decree.” Ariz. Rev. Stat. § 45-257(B).

27 This is an order from the court and all parties must comply with the following instructions.
28 The failure to obey this, or any, court order may result in the dismissal of this case and the loss of

1 any potential water rights associated with the property mentioned in this order. If you have
2 questions regarding this Order or any of the attachments, please contact the General Stream
3 Adjudication, Office of the Special Water Master, at (602) 372-4115. Please note that staff can
4 only answer administrative questions and cannot provide legal advice.

5
6 **IT IS ORDERED:**

- 7 1. Case Initiation. This contested case shall be known as *In re Louis A. Peterson*, and it
8 will determine claims to appropriable water asserted in Statements of Claimant 39-
9 88650, 39-88651, and 39-88652 and resolve any objections that were filed to
10 Watershed File Report No. 33-50-DDC-001.
- 11 2. Initial Conference. An initial conference shall be held on **January 11, 2024, at 10:00**
12 **am.** to determine whether 1) current landowners intend to pursue claims for water
13 rights and 2) whether ADWR investigated tax parcel 409-13-004C in its compilation
14 of WFR No. 33-50-DDC-001. The conference will be held using the Court Connect
15 program. Instructions for Court Connect are attached as Attachment A. If you receive
16 this Order by email, click on the red box “Join Court Connect Hearing” on the attached
17 instructions to make an appearance. If you do not receive this Order by email, log into
18 the Court Connect program on the internet by typing
19 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you
20 may attend telephonically using the telephone number and access code included in the
21 instructions for Court Connect.
- 22 3. Arizona Department of Water Resources. At the initial conference, ADWR will
23 clarify whether any portion of tax parcels 409-13-004C were investigated for the
24 purpose of creating WFR 33-50-DDC-001.
- 25 4. Parties. The litigants in this contested case are the Claimant, the current landowners,
26 and all persons who filed objections to the Watershed File Report. The objectors in
27 this case are the Salt River Project, the United States, the Hopi Tribe, the Navajo
28 Nation, and the San Juan Southern Paiute Tribe.

1 5. Objections: Copies of objections filed to WFR No. 33-50-DDC-001 can be found
2 under the case number CV 6417-033-5678 on the following website:
3 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/
4 whatsNew.asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp).

5 6. Court-Approved Mailing List.

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

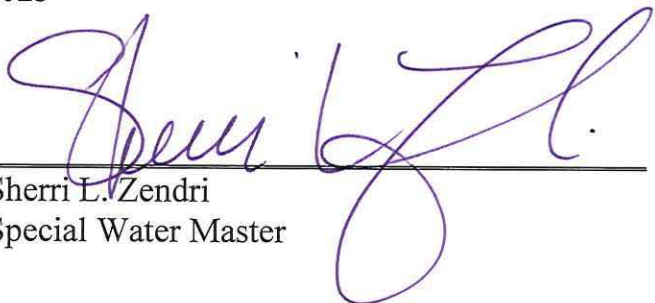
10 B. A copy of any pleading filed with the Clerk of the Apache County Superior Court
11 in this case shall be served upon each person listed on the Court-approved
12 mailing list.

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

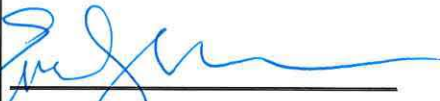
16 D. The Clerk of the Court will send copies of all minute entries and orders issued in
17 this case to the parties listed on the Court-approved mailing list.

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

21 Signed this 7 day of December 2023

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26 Sherri L. Zendri
27 Special Water Master
28

1 On December 7, 2023 the original of the foregoing
2 was delivered to the Clerk of the Apache County Superior Court
3 for filing and distributing a copy to all persons listed on the Court-
4 approved mailing list for this contested case, a copy of which is
5 attached hereto as Attachment F.

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8 Emily Natale

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1 ATTACHMENT A

2 **General Background on the Water Rights Determination Process in Arizona**

3 A general stream adjudication is a judicial proceeding to determine the quantity and
4 priority of all water rights in a river system. Arizona is undertaking general stream adjudications
5 of both the Gila River and the Little Colorado River systems. A river system includes surface
6 water flowing “in streams or other natural channels”, groundwater sufficiently connected to that
7 surface water, and water subject to claims by the federal government. Ariz. Rev. Stat. § 45-
8 251(7). Recognizing and respecting water rights and the priority of such rights is important in
9 Arizona where times of drought or water scarcity can occur.

10 All cases begin with the filing of a “Statement of Claimant,” (“SOC”) in which a property
11 owner makes a claim for a right to use surface water on their property. Ariz. Rev. Stat. § 45-
12 254(A). This person is the “claimant.” The SOCs contain, among other characteristics, a
13 description of the source and quantity of the water used, the location of use, the location from
14 which the water was diverted, and the date when the water was first put to use. *Id.* § 45-254(C).

15 After the property owner files the SOCs, the Arizona Department of Water Resources
16 (“ADWR”) prepares a “Watershed File Report,” (“WFR”) in which ADWR investigates the
17 claims in the SOCs and recommends water rights associated with the property. *Id.* § 45-256(B).
18 ADWR compiles all WFRs for a watershed into a comprehensive Hydrographic Survey Report
19 (“HSR”) and publishes the report for public review and comment. In response, other claimants in
20 the Adjudication may file “objections” disputing the information or recommendations in the
21 WFR. The individuals who file objections are called “objectors.”

22 This “contested case”, one of thousands in the Little Colorado River System, will evaluate
23 claims asserted in specific Statements of Claimant while considering objections to the WFR that
24 reported ADWR’s initial inspection of those claims.

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ATTACHMENT B

Watershed File Report

LAND OWNER _____ WATERSHED FILE NO.
 PETERSEN, A. LOUIS 033-50-DDC-001

APPLICABLE FILINGS AND DECREES

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
10-0091168		IRRIGATION OTHER STOCKWATERING DOMESTIC			17	100N 200E	< 1904			
36-0037876		IRRIGATION DOMESTIC STOCKWATERING	.66			20 100N 200E	1897	SWSW16	100N	200E
36-0037877		IRRIGATION STOCKWATERING	1.23				1897	SWSW16	100N	200E
39-0088650		DOMESTIC IRRIGATION	.81	NWSWSW16	100N	200E	1900	NWSWSW16	100N	200E
39-0088651		STOCKPOND	.03				1983	SWSWSW16	100N	200E
39-0088652		IRRIGATION STOCKPOND REC/FISH/WLDF	3.87 .10 4.68	NWSWSW16	100N	200E	1900	NWSWSW16	100N	200E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
10-0091168	IRRIGATION DOMESTIC STOCKWATERING OTHER	IRRIGATION DOMESTIC INCIDENTAL INCIDENTAL	SO1, SO2	IROO1, DMOO1
36-0037876	IRRIGATION DOMESTIC STOCKWATERING	IRRIGATION DOMESTIC INCIDENTAL	SO1	OTOO1, DMOO1
36-0037877	IRRIGATION DOMESTIC STOCKWATERING	IRRIGATION DOMESTIC INCIDENTAL	SO2	OTOO1
39-0088650	IRRIGATION DOMESTIC STOCKWATERING	IRRIGATION DOMESTIC INCIDENTAL	SO1, PO1	OTOO1, DMOO1, SROO1
39-0088651	REC/FISH/WLDF IRRIGATION DOMESTIC STOCKWATERING	INCIDENTAL IRRIGATION DOMESTIC INCIDENTAL	SO1, SO2, PO1	SROO1, OTOO1, DMOO1
39-0088652	REC/FISH/WLDF IRRIGATION DOMESTIC STOCKWATERING REC/FISH/WLDF	INCIDENTAL IRRIGATION NONE INCIDENTAL INCIDENTAL	SO2	OTOO1, SROO1

DIVERSIONS

DIV #	LOCATION SECTION	TWNP	RNGE	DRAINAGE AREA/ WATER SOURCE NAME	DIVERSION NAME	REMARKS
PO1	NWSWSW16	100N	200E	COTTONWOOD WASH	UNNAMED	
SO1	NWSWSW16	100N	200E	COTTONWOOD WASH	UPPER PETERSEN SPR.	
SO2	NWSWSW16	100N	200E	COTTONWOOD WASH	LOWER PETERSEN SPR.	

USES

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCE	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	SWSWSW16	100N	200E	SO1	SURFACE		NO	
OTOO1	SWSW16	100N	200E	SO1, SO2, PO1	SURFACE	1935	NO	

PWR #	LOCATION SECTION TWP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCE	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SPOO1	NWSWSW16 100N 200E		SURFACE	1977	PETERSEN TANK	STOCKWATERING
SROO1	SWSWSW16 100N 200E	S01, S02	SURFACE	1986	SMALL POND	IRRIGATION STOCKWATERING RECREATION WILDLIFE

PWR SUMMARY

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	** APPARENT FIRST USE ** DATE	DATA SOURCE	DRAINAGE AREA/ WATER SOURCE NAME
DMOO1	39-0088650	10-0091168			COTTONWOOD WASH
	39-0088651	36-0037876			
OTOO1	39-0088650	10-0091168	1897	36-37876 & 36-37877	COTTONWOOD WASH
	39-0088651	36-0037876			
	39-0088652	36-0037877			
SPOO1	NONE	NONE	1977	1977 AERIAL PHOTO	COTTONWOOD WASH
SROO1	39-0088650	10-0091168	1986	1986 AERIAL PHOTO	COTTONWOOD WASH
	39-0088651	36-0037876			
	39-0088652	36-0037877			

QUANTITIES OF USE

PWR #	QUANTIFICATION TYPE	APPLICABLE ACREAGE/SURFACE AREA (ACRES)	WATER DUTY	ESTIMATED VOLUME	REMARKS
DMOO1					SEE VOLUME 1
OTOO1	AVG. EFFICIENT	.7	5.5 AF/AC	3.8 AFA	
SPOO1	MAX. AREA/CAP	< 2.0		< DR = 15.0 AF	
SROO1	MAX. AREA/CAP	< 2.0		< DR = 15.0 AF	

EXPLANATION

FILINGS AND DECREES

FILING 10-09-1-168 IS A NOTICE OF WATER APPROPRIATION FILED BY JAMES PETERSON ON JULY 5, 1904 IN NAVAJO COUNTY CLAIMING THE WATERS OF MORTENSEN WASH FOR IRRIGATION, DOMESTIC, STOCK AND OTHER BENEFICIAL PURPOSES.

DIVERSIONS

- P1 - PORTABLE PUMP DIVERTS WATER FROM SMALL RESERVOIR SR1 FOR IRRIGATION USE.
- S1 - SPRING SUPPLIES WATER FOR DOMESTIC USE AND IRRIGATION STORAGE IN SMALL RESERVOIR SR1.
- S2 - SPRING SUPPLIES WATER FOR IRRIGATION STORAGE IN SMALL RESERVOIR SR1.

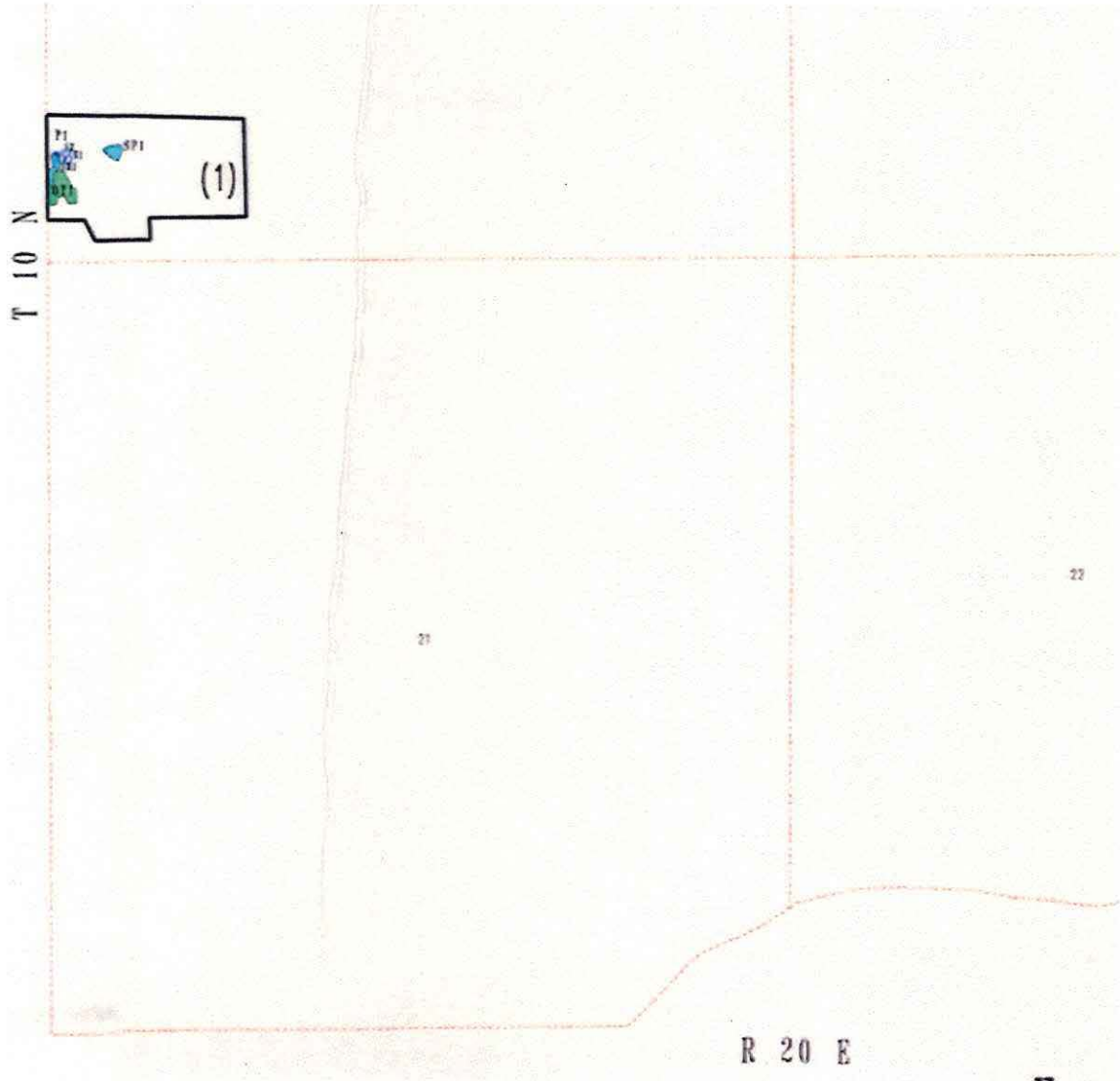
USES AND RESERVOIRS

- OT1 - IRRIGATION OF ORCHARD AND GARDEN TOTALING LESS THAN TWO ACRES ASSOCIATED WITH A DOMESTIC USE.
- SP1 & SR1 - STOCKPOND AND SMALL RESERVOIR LOCATED ON AN UNNAMED TRIBUTARIES TO BEAR CANYON.
- ALL SURFACE WATER SOURCES AND USES ARE LOCATED WITHIN THE COTTONWOOD WASH DRAINAGE AREA.

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ATTACHMENT C

Map Accompanying Watershed File Report



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ATTACHMENT D

Descriptions of Relevant Recorder Documents

Parcel 409-13-001L

Document No.	Transferor	Transferee
1995-13247	Louis and Lorene Peterson	Eugene and Mary Webb

409-13-004B

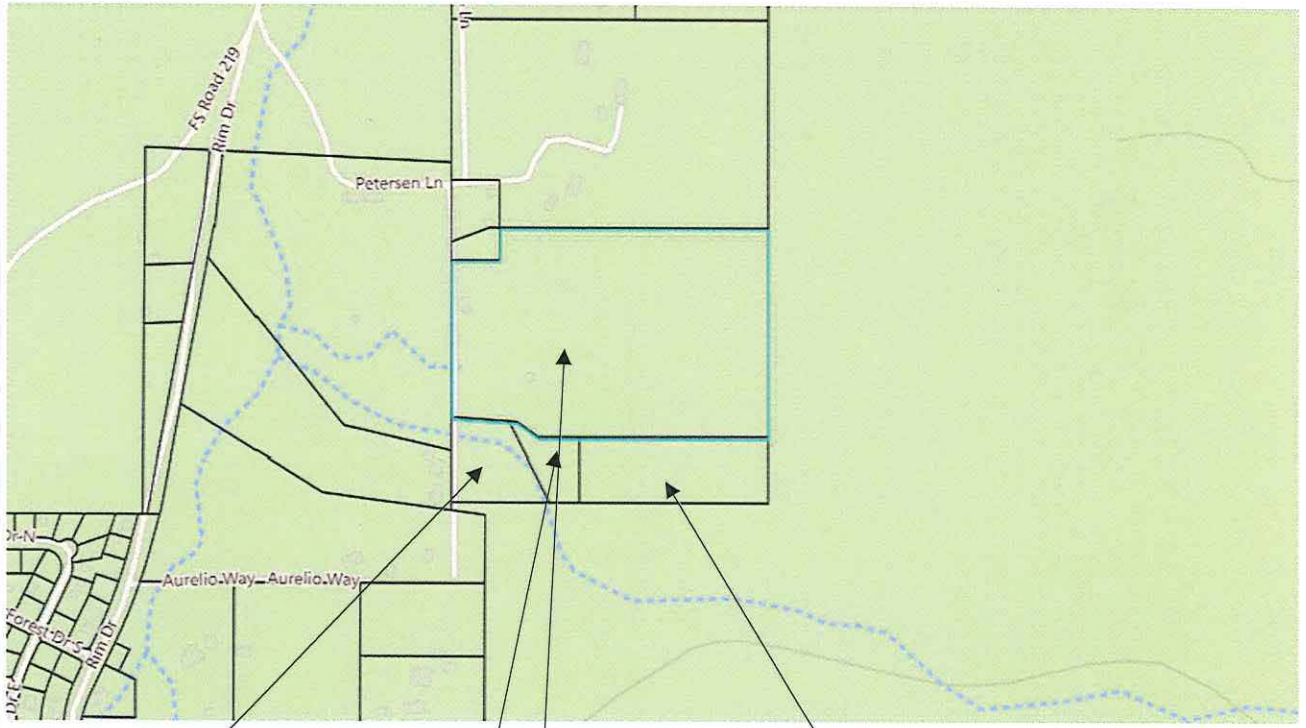
Document No.	Transferor	Transferee
1992-10350	Louis and Lorene Peterson	Herbert and Ina Hancock

409-13-005

Document No.	Transferor	Transferee
1992-10351	Louis and Lorene Peterson	Clara McMullin

ATTACHMENT E

Map Obtained from Navajo County Assessor



Parcel 409-13-005
CJM Ranch Properties LLC
5608 Forest Service Rd 131
Show Low, AZ 85901

Parcel 409-13-004B
Raymond and Carolyn
Speakman
Show Low, AZ 85901

Parcels
409-13-004C
409-13-001L
Raymond and Laura Shumway
623 Petersen Lane
Show Low, AZ 85901

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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

Clerk of the Superior Court
Apache County
P. O. Box 365
St Johns, AZ 85936

Special Master Sherri L. Zendri
Superior Court of Arizona
201 W. Jefferson Street
Courtroom 301
Phoenix, AZ 85003

Louis A. and Lorene K. Petersen
P.O. Box 19
Pinedale, AZ 85934

CJM Ranch Properties LLC
1439 E Mission Ln.
Phoenix, AZ 85020-2743

Raymond and Laura Shumway
895 S. Main St.
Snowflake, AZ
85937-5578

Raymond and Carolyn Speakman,
Trustees
1055 E 9th Dr.
Mesa, AZ 85204-4215

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.

Navajo Nation Department of Justice
Ethel Branch & G. Michelle Brown-
Yazzie
PO Drawer 2010
Window Rock, AZ 86515

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

U.S. Department of Justice
Vanessa Boyd Willard
999 18th Street, Suite 370
Denver, CO 80202

US Dept of Justice – ENRD
Mark J. Widerschein
Maggie Woodward
Natural Resources Section
PO Box 7611 Washington, DC 20044

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

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ATTACHMENT G



Court Connect Hearing Notice for In re Louis A. Petersen

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 Louis A. Petersen, Contested Case No. CV6417-33-5678

Start Date/Time: January 11, 2024 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](#)