

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

**CV6417**  
  
Case: **CV6417-33-5690**

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

CONTESTED CASE NAMES: *In re Church of Jesus Christ – LDS*  
HSR INVOLVED: Silver Creek Hydrographic Survey.  
DESCRIPTIVE SUMMARY: The Clerk of Apache County is directed to initiate CV6417-33-5690. Initial conference set for **Wednesday, September 18, 2024, at 9:30 a.m.**  
NUMBER OF PAGES: 16

**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 the LDS Church, Hatch Construction & Paving Inc., Chad M & Ashely C Whiting, Silver Creek Irrigation District, Trenton C & Amber Reidhead, and WR & KR Living Trust. The first step in this case is an initial

1 conference with the Court, scheduled for **Wednesday, September 18, 2024, at 9:30 a.m.**  
2 to determine if current landowners are interested in pursuing water rights claims. Each  
3 current landowner **MUST** attend the scheduled initial conference if they plan to pursue  
4 water rights claims. Failure to appear at the initial conference could result in the loss of  
5 potential surface water rights.

6 During the initial conference, each landowner must state whether they intend to  
7 pursue water rights claims.

8  
9 **Additional background information on the process for determining water rights**  
10 **in Arizona can be found on Attachment A.**

## 11 12 **Details of the Case**

13 In this case, the Church of Jesus Christ of Latter Day Saints (“LDS Church”) filed  
14 Statements of Claimant (“SOCs”) 39-81392–94, 39-81397–99, 39-81402, and 39-88519  
15 between 1981 and 1995. The relevant SOC’s contain multiple claims, including claims  
16 for stockponds, incidental recreational, fishing and wildlife uses, and stockwells.

17 The Arizona Department of Water Resources (“ADWR”) investigated the claims  
18 made by the LDS Church (“Claimant”) and prepared Watershed File Report (“WFR”)  
19 33-51-008, published in the Final Silver Creek Watershed Hydrographic Survey Report  
20 (1991) (“Silver Creek HSR”). The WFR recorded that water was being used for five  
21 stockponds within sections 8, 13, 14, and 23 of Township 12 North, Range 21 East. A  
22 copy of the WFR is attached as Attachment B. A copy of a map, prepared by ADWR,  
23 showing the investigation area is attached as Attachment C.

24 After ADWR issued the WFR, objections were filed to the findings made in the WFR  
25 by the Salt River Project and the United States joined by the Navajo Nation, the Hopi Tribe, and  
26 the San Juan Southern Paiute Tribe. The purpose of this case is to consider the claims in  
27 the SOC’s mentioned above and to resolve the objections to WFR No. 33-51-008.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Claimant and Landowners**

WFR 33-51-008 lists the LDS Church as the owner of the property investigated in 1991. According to maps obtained from the Navajo County Assessor’s (“Assessor”) website, the land investigated appears to comprise eleven Navajo County tax parcels. A copy of the map showing the relevant tax parcels and a table stating current ownership is attached as Attachment D. The public records of ADWR do not contain any assignments of the SOCs listed in the WFRs, and landowners do not appear to have filed any additional SOCs since the issuance of the 1991 HSR.

**Objections**

Objections to WFR 33-51-008 were primarily related to the discrepancies between priority dates claimed in SOCs and those claimed in stockpond registration filings and statements of claim.

Additionally, in order to obtain a decreed water right, a property owner must present to the Court both an SOC claiming a water right in the name of the property owner **and** the evidence of that right. Further, the property owner must ensure that all water rights claims are paired with the appropriate basis of right, e.g. a statement of claim, decree, stockpond registration, or water right certificate... Alternatively, the property owners may settle with objectors. If either the property owner proves to the Court the existence of a water right on their property or enters into a valid settlement approved by the Court, the court will recognize enforceable water rights in a “Final Decree.” Ariz. Rev. Stat. § 45-257(B).

This is an order from the Court, and all parties must comply with the following instructions. The failure to obey this, or any, court order may result in the dismissal of this case and the loss of potential surface water rights. If you have questions regarding this Order or any of the attachments, please contact the General Stream Adjudication,

1 Office of the Special Water Master, at (602) 372-4115. Please note that staff can only  
2 answer administrative questions and cannot provide legal advice.

3  
4 **IT IS ORDERED:**

5 1. Case Initiation. This order initiates contested case *In re Church of Jesus*  
6 *Christ – LDS*. This case will resolve claims to use appropriable water  
7 asserted in Statements of Claimant 39-81392–94, 39-81397–99, 39-81402,  
8 and 39-88519 and objections that were filed to Watershed File Report No.  
9 33-51-008.

10 2. Initial Conference. An initial conference shall be held on **Wednesday,**  
11 **September 18, 2024, at 9:30 a.m.** to determine whether each current  
12 landowner intends to pursue claims for water rights. The conference will be  
13 held using the Court Connect program. Instructions for Court Connect are  
14 attached as Attachment E. If you receive this Order by email, click on the red  
15 box “Join Court Connect Hearing” on the attached instructions to make an  
16 appearance. If you do not receive this Order by email, log into the Court  
17 Connect program on the internet by typing  
18 <https://tinyurl.com/specialwatermaster>. If you do not have access to the  
19 internet, you may attend telephonically using the telephone number and access  
20 code included in the instructions for Court Connect.

21 3. Parties. The litigants in this contested case are the claimant, the current  
22 landowners, and all parties who filed objections to the Watershed File Report.  
23 The objectors are the Salt River Project, the United States, the San Juan  
24 Southern Paiute Tribe, the Hopi Tribe, and the Navajo Nation.

25 4. Objections. Copies of objections filed to this case can be found under the  
26 respective case names and numbers on the following website:  
27  
28

1 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>.

3 5. Court-Approved Mailing List.

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

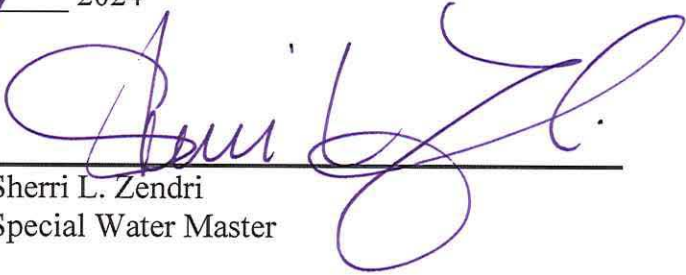
9 B. A copy of any pleading filed with the Clerk of the Apache County  
10 Superior Court in this case shall be served upon each person listed  
11 on the Court-approved mailing list.

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

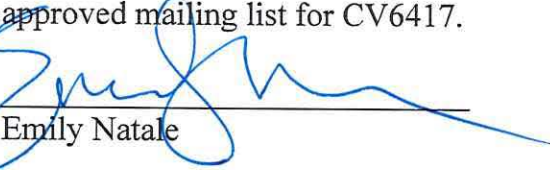
19 E. Claimants who would like to receive courtesy copies of minute  
20 entries and orders may request inclusion on an email list by sending  
21 a request to emily.natale@jbazmc.maricopa.gov.

22  
23 Signed this 18<sup>th</sup> day of July 2024

24  
25  
26   
27 \_\_\_\_\_  
28 Sherri L. Zendri  
Special Water Master

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

On July 18, 2024, the original of the foregoing was delivered to the Clerk of the Apache 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 hereto as Attachment F, , and to all persons listed on the Court-approved mailing list for CV6417.

  
Emily Natale

**ATTACHMENT A**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**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 Little Colorado 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.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ATTACHMENT B**  
**Watershed File Report**



AS OF 12/13/90

LAND OWNER  
 -----  
 CH. OF JESUS CHRIST - LDS  
 % REAL ESTATE DIVISION

WATERSHED FILE NO.  
 -----  
 033-51-008

PHOTO ID - 10-13

QUAD 1 - CACTUS FLAT

QUAD 2 - TAYLOR

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
36-0034927		DOMESTIC STOCKWATERING	.50				1886	NWNW08	120N	210E
36-0073857		STOCKWATERING	.45				1886	NWNW13	120N	210E
36-0073858		STOCKWATERING	.40				1886	NWSW13	120N	210E
36-0073859		STOCKWATERING	.40				1886	NENW14	120N	210E
36-0073860		STOCKWATERING	.35				1886	NESW14	120N	210E
36-0073863		STOCKWATERING	.40				1886	SENW23	120N	210E
38-0058194		STOCKPOND	.50	NWNW08	120N	210E	1970	NWNW08	120N	210E
38-0058196		STOCKPOND	.45	NWNW13	120N	210E	1965	NWNW13	120N	210E
38-0058197		STOCKPOND	.40	NWSW13	120N	210E	1965	NWSW13	120N	210E
38-0058198		STOCKPOND REC/FISH/WLDF	.40	NENW14	120N	210E	1966	NENW14	120N	210E
38-0058199		STOCKPOND REC/FISH/WLDF	.35	NESW14	120N	210E	1950	NESW14	120N	210E
38-0058202		STOCKPOND	.40	SENW23	120N	210E	1977	SENW23	120N	210E
39-0081392		STOCKPOND	.50				1886	NENWNW08	120N	210E
39-0081393		STOCKPOND	1.60				1886	NWNWSW13	120N	210E
39-0081394		STOCKPOND	3.00				1886	NWNWNW13	120N	210E
39-0081397		STOCKWATERING	.50				1939	NWNWNW22	120N	210E
39-0081398		STOCKPOND	2.20				1886	NWNENW14	120N	210E
39-0081399		STOCKPOND	1.00				1886	SESW14	120N	210E
39-0081402		STOCKPOND	3.00				1886	SESENW23	120N	210E
39-0088519		STOCKPOND					1939	NWNWNW22	120N	210E

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
36-0034927	DOMESTIC STOCKPOND	NONE STOCKPOND		SP001
36-0073857	STOCKPOND	STOCKPOND		SP002
36-0073858	STOCKPOND	NONE		
36-0073859	STOCKPOND	STOCKPOND		SP003
36-0073860	STOCKPOND	STOCKPOND		SP004
36-0073863	STOCKPOND	STOCKPOND		SP005
38-0058194	STOCKPOND	STOCKPOND		SP001

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 (CONTINUED)   033-51-008

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
38-0058196	STOCKPOND	STOCKPOND		SP002
38-0058197	STOCKPOND	NONE		
38-0058198	STOCKPOND REC/FISH/WLDF	STOCKPOND INCIDENTAL		SP003
38-0058199	STOCKPOND REC/FISH/WLDF	STOCKPOND INCIDENTAL		SP004
38-0058202	STOCKPOND	STOCKPOND		SP005
39-0081392	STOCKPOND	STOCKPOND		SP001
39-0081393	STOCKPOND	NONE		
39-0081394	STOCKPOND	STOCKPOND		SP002
39-0081397	STOCKWATERING	STOCKWELL		
39-0081398	STOCKPOND	STOCKPOND		SP003
39-0081399	STOCKPOND	STOCKPOND		SP004
39-0081402	STOCKPOND	STOCKPOND		SP005
39-0088519	STOCKWATERING	STOCKWELL		

R E S E R V O I R S

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCE	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SP001	SENEW08	120N	210E		SURFACE	1983	JOY'S TANK #2	STOCKWATERING
SP002	SNNWN13	120N	210E		SURFACE	1977	HUNT TANK	STOCKWATERING
SP003	NWNWN14	120N	210E		SURFACE	1977	TAYLOR TANK	STOCKWATERING WILDLIFE
SP004	SWSWE14	120N	210E		SURFACE	1983	DUMP TANK	STOCKWATERING WILDLIFE
SP005	NWNWN23	120N	210E		SURFACE	1983	MESA TANK	STOCKWATERING

P W R   S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	** APPARENT FIRST USE DATE	** DATA SOURCE	DRAINAGE AREA/WATER SOURCE NAME
SP001	39-0081392	36-0034927 38-0058194	1970	38-58194	COTTONWOOD WASH
SP002	39-0081394	36-0073857 38-0058196	1965	38-58196	SILVER CREEK
SP003	39-0081398	36-0073859 38-0058198	1966	38-58198	SILVER CREEK
SP004	39-0081399	36-0073860 38-0058199	1950	38-58199	SHOW LOW CREEK
SP005	39-0081402	36-0073863 38-0058202	1977	38-58202	SHOW LOW CREEK
NONE	39-0081393 39-0081397 39-0088519	36-0073858 38-0058197			

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
SP001	MAX. AREA/CAP	< 2.0		< OR = 15.0 AF	
SP002	MAX. AREA/CAP	< 2.0		< OR = 15.0 AF	
SP003	MAX. AREA/CAP	< 2.0		< OR = 15.0 AF	
SP004	MAX. AREA/CAP	< 2.0		< OR = 15.0 AF	
SP005	MAX. AREA/CAP	< 2.0		< OR = 15.0 AF	

E X P L A N A T I O N

033-51-008

FILINGS AND DECREES

FILINGS 39-81393, 38-58197 & 36-73858 CLAIM STOCKWATERING AND WILDLIFE WATER USES FROM PINT TANK. NO STOCKPOND WAS FOUND AT THE CLAIMED LOCATION.  
FILING 36-34927 CLAIMS DOMESTIC AND STOCKWATERING USES FROM JOY'S TANK #2 (SP1). NO DOMESTIC USE WAS FOUND AT THE CLAIMED LOCATION.

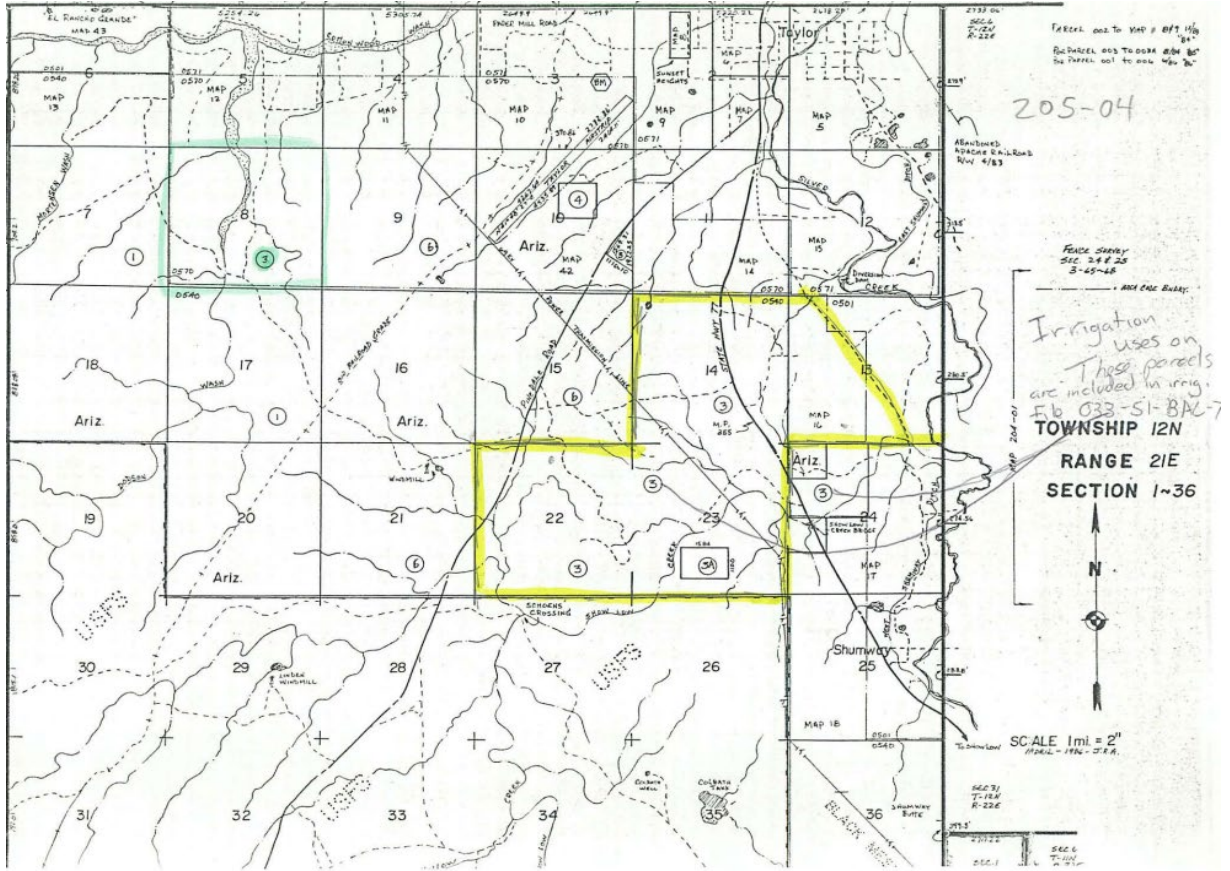
USES AND RESERVOIRS

SP1 - STOCKPOND LOCATED ON AN UNNAMED TRIBUTARY TO DODSON WASH, WITHIN THE COTTONWOOD WASH DRAINAGE AREA.  
SP2 & SP3 - STOCKPONDS LOCATED ON AN UNNAMED TRIBUTARY TO SILVER CREEK.  
SP4 & SP5 - STOCKPONDS LOCATED ON UNNAMED TRIBUTARIES TO SHOW LOW CREEK.

**ATTACHMENT C**

**ADWR Map**

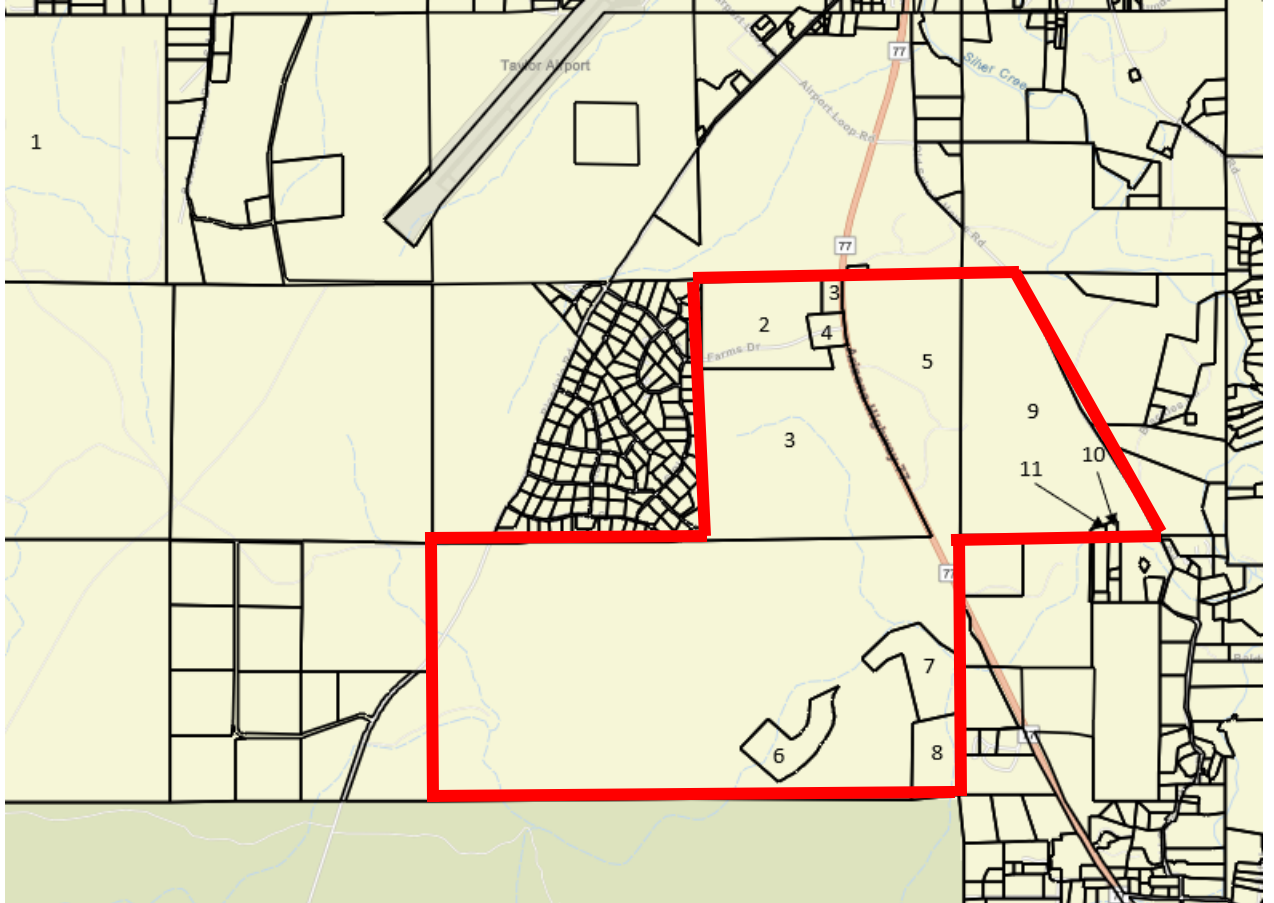
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



**ATTACHMENT D**

**Assessor Map and Owner List**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

<b>#</b>	<b>Parcel</b>	<b>Owner</b>
1	20504003R	Hatch Construction & Paving Inc
2	20504003N	LDS Church
3	20504003H	LDS Church
4	20504003P	Chad M & Ashely C Whiting
5	20504003Q	LDS Church
6	20504003A	Silver Creek Irrigation District
7	20504003F	LDS Church
8	20504003G	LDS Church
9	20516003A	LDS Church
10	20516003D	Trenton C & Amber Reidhead
11	20516003C	WR & KR Living Trust

**ATTACHMENT E**



**Court Connect Hearing Notice for In re Church of Jesus Christ –  
LDS**

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 Church of Jesus Christ – LDS**

**Contested Case No. CV6417-33-5690**

**Start Date/Time: Wednesday, September 18, 2024, at 9:30 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](#)

**ATTACHMENT F**

**Initial Court-Approved Mailing List**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

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

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

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

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

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

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

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.

Hatch Construction & Paving Inc  
c/o Lynn R Hatch  
127 South Main St.  
Taylor, AZ 85939

Chad M & Ashely C Whiting  
466 S Pioneer Trail  
Snowflake AZ 85937

Church Of Jesus Christ of Latter Day Saints  
50 East North Temple Rm 2225  
Salt Lake City, UT 84150-0022

Silver Creek Irrigation District  
402 S 1st W St  
Snowflake, AZ 85937

Trenton C & Amber Reidhead  
PO Box 69  
Taylor, AZ 85939

WR & KR Living Trust  
2611 Elk Run Loop  
Show Low, AZ 85901