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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

CV 6417-33-6041

ORDER SETTING STATUS  
CONFERENCE

CONTESTED CASE NAME: *In re Elbert D. and Gertrude Solomon*  
HSR INVOLVED: Silver Creek Hydrographic Survey  
DESCRIPTIVE SUMMARY: The Clerk of Apache County is directed to initiate CV 6417-33-6041. Status conference set for **February 2, 2023 at 2:15 p.m.**  
NUMBER OF PAGES: 15  
DATE OF FILING: December 5, 2022

**General Explanation**

This Order continues the process necessary to adjudicate claims made by Elbert D. Solomon for rights to appropriable water. The litigation appears to have ceased in 1994 without decision. By Order dated December 2, 2022, this case has been separated from and is no longer consolidated with

1 CV 6417-33-9005. At this stage, this contested case will focus on claims to appropriable water for  
2 irrigation use.

3 This contested case is one of the many cases included in the Arizona General Stream  
4 Adjudication for the Silver Creek Watershed that will determine legal rights to water. The purpose  
5 of the General Adjudication is to determine the rights of those persons who filed Statements of  
6 Claimant for rights to use appropriable water in Arizona. The General Adjudication will also  
7 determine water rights for the Hopi Reservation, the Navajo Reservation, and other watersheds  
8 included in the Little Colorado River Watershed.  
9

10 In this case, Elbert D. Solomon filed two Statements of Claimant (“SOCs”): 39-80956 and  
11 39-80957 on April 8, 1982. Statement of Claimant 39-80956 claims 1.10 acre-feet of groundwater  
12 per year for domestic use. Statement of Claimant 39-80957 claims 558.60 acre-feet per year of surface  
13 water from Silver Creek for irrigation use based on a decreed water right. Both SOC’s claim  
14 diversions and use of water in the southeast quarter of the southeast quarter of Section 31 of Township  
15 19, Range 22E.  
16

17 The Arizona Department of Water Resources (“ADWR”) investigated the claims made by  
18 Elbert D. Solomon (“Claimant”). It prepared a report known as Watershed File Report No. 33-51-  
19 BDA-001 (“WFR”) published in the Final Silver Creek Watershed Hydrographic Survey Report  
20 (1991) (“Silver Creek HSR”). According to the WFR, ADWR found that water was being used for  
21 irrigation and domestic purposes within the area noted in the SOC’s. A copy of the WFR is attached  
22 as Attachment A. A map that includes the area of land that was investigated for the WFR, labeled  
23 as “(1)”, is attached as Attachment B.  
24  
25

26 After ADWR issued the WFR, objections were filed to the findings made in the WFR. The  
27 purpose of this case is to consider the claims made for water rights that are the subject of the WFR,  
28

1 if the landowners described below desire to pursue those claims, and to resolve the objections to the  
2 WFR.

3 **Landowners**

4 The WFR lists Bert D. and Gertrude Solomon as the owners of the property described as  
5 located in the following quarter-quarter sections of Section 31, Township 12N, Range 22E: the  
6 southeast quarter of the southwest quarter, the southwest quarter of the southwest quarter, and the  
7 southwest quarter of the southeast quarter. The records of the Navajo County Assessor indicate that  
8 Noelle and Terry Stratton, Kathryn and William Solomon, William and Carla Morgan, Jonathan and  
9 Kristi Crookston, Scott and Erin Solomon, Kristoffer and Melanie Neff, Grant Solomon, and Joel and  
10 Shauna John are the current owners of the land investigated by ADWR. The Navajo County Assessor  
11 has designated this land as tax parcel numbers 404-08-003L, 404-08-003R, 404-08-003S, 404-08-  
12 003T, 404-08-003U, 404-08-003V, 404-08-003X, 404-08-003Y, and 404-08-003W.

13 After ADWR completed its investigation, land ownership changed. Through two deeds,  
14 described as document nos. 2008-19031 and 2009-24155 by the Navajo County Recorder, the Elbert  
15 D. and Gertrude Solomon Family Trust (“the Trust”) divided the land described in the WFR. First,  
16 in 2008, the deed labeled as document no. 2008-19031 conveyed the eastern portion of that land from  
17 the Trust to Kathryn and William Solomon. Second, in 2009, the deed designated document no. 2009-  
18 24155 conveyed the western portion from the Trust to Elbert N. and Velleda Solomon.

19 Subsequently, Kathryn and William Solomon divided the eastern part of the land identified in  
20 the WFR into three separate parcels. Signing a deed identified by the Navajo County Recorder as  
21 document no. 2016-14949, Kathryn and William Solomon transferred parcel no. 404-08-003R to  
22 William and Carla Morgan. Subsequently, through a deed designated as document no. 2018-09826,  
23 Kathryn and William Solomon granted parcel no. 404-08-003Y to Terry and Noelle Stratton. Kathryn  
24 and William Solomon retained parcel 404-08-003X.

25 Elbert N. and Velleda Solomon divided the western part of the land identified in the WFR into  
26 six parcels. By deeds described as document nos. 2016-17013 and 2014-02347, Elbert N. and Velleda  
27

1 Solomon transferred parcel nos. 404-08-003W and 404-08-003L, respectively, to Kristi and Jonathan  
2 Crookston. In 2016, Elbert N. and Velleda Solomon also granted parcel nos. 404-08-003S, 404-08-  
3 003T, 404-08-003U, and 404-08-003V to Scott and Erin Solomon, Kristoffer and Melanie Neff, Grant  
4 L. Solomon, and Joel and Shauna John through deeds identified as document nos. 2016-17011, 2016-  
5 17012, 2016-17015, and 2016-17014, respectively.

6 The public records of the Arizona Department of Water Resources do not contain any  
7 assignments of the SOCs listed in the WFR, and none of the listed landowners appear to have filed  
8 any additional SOCs. A copy of the map prepared by the Navajo County Assessor showing the  
9 relevant tax parcels is attached as Attachment C.  
10

11 **IT IS ORDERED:**

12 1. Contested Case. This contested case shall be known as *In re Bert D. and Gertrude*  
13 *Solomon*, and it will determine appropriable water rights asserted in the Statements of Claimant and  
14 objections that were filed to Watershed File Report No. 033-51-BDA-001, published in the Final  
15 Silver Creek Watershed Hydrographic Survey Report (1991). Copies of objections can be found  
16 under the case name and number on the following website:  
17 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>.  
18

19 2. Litigants. The litigants in this contested case are the Claimant, the current landowners:  
20 Noelle and Terry Stratton, Kathryn and William Solomon, William and Carla Morgan, Jonathan and  
21 Kristi Crookston, Scott and Erin Solomon, Kristoffer and Melanie Neff, Grant Solomon, and Joel and  
22 Shauna John, all persons who filed objections to the WFR, and parties who are allowed to intervene  
23 by order.  
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1           3.       Court-Approved Mailing List.

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

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

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

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

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

17           4.       Status Conference. An initial status conference shall be held to determine whether the  
18                   current landowners intend to pursue claims for rights to appropriable water for irrigation use.

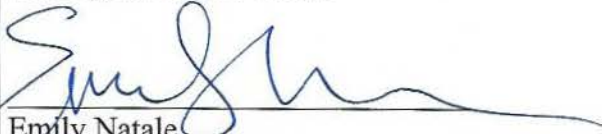
19                   The Status Conference shall be held **on February 2, 2023 at 2:15 p.m.** The Status Conference  
20                   shall be held using the Court Connect program. Instructions for Court Connect are attached as  
21                   Attachment E. If you receive this Order by email, click on the red box “Join Court Connect Hearing”  
22                   on the attached instructions to make an appearance. If you do not receive this Order by email, log  
23                   into the Court Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If  
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1 you do not have access to the internet, you may attend telephonically using the telephone number and  
2 access code included in the instructions for Court Connect. Alternatively, you may attend  
3 telephonically using the following instructions:

4 Instructions for telephonic appearance:  
5 Dial: 602-506-9695 (local)  
6 1-855-506-9695 (toll free long distance)  
7 Dial Participant Pass Code 357264#

8   
9 SUSAN WARD HARRIS  
10 Special Master

11  
12 On December 5, 2022, the original of the foregoing was delivered to  
13 the Clerk of the Apache County Superior Court for filing and  
14 distributing a copy to all persons listed on the Court-approved  
15 mailing list for this contested case, a copy of which is attached hereto  
16 as Attachment D, and to all persons listed on the Court-approved  
17 mailing list for CV 6417.

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19 Emily Natale

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# **ATTACHMENT A**

LAND OWNER	WATERSHED FILE NO.
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SOLOMON, BERT D. & GERTRUDE	033-51-BDA-001

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
20-0097173		IRRIGATION								
36-0067399		IRRIGATION	558.60	NWSW31	12ON	22OE	1895	SESE31	12ON	22OE
39-0080956		DOMESTIC	1.10	SESE31	12ON	22OE	1972	SESE31	12ON	22OE
39-0080957		IRRIGATION	558.60	SESE31	12ON	22OE		SESE31	12ON	22OE

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
20-0097173	IRRIGATION	IRRIGATION	DO2	IROO1
36-0067399	IRRIGATION	IRRIGATION	DO2	IROO1
39-0080956	DOMESTIC	DOMESTIC		DMOO1
39-0080957	IRRIGATION	IRRIGATION	DO2	IROO1

D I V E R S I O N S

DIV #	LOCATION SECTION	TWNP	RNGE	DRAINAGE AREA/ WATER SOURCE NAME	DIVERSION NAME	REMARKS
DO2	NWSESE31	12ON	22OE	SILVER CREEK	NORTH DITCH	SHARED

U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCE	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	SWSESW31	12ON	22OE		GROUNDWATER		NO	
IROO1	SESW31	12ON	22OE	DO2	SURFACE	1935	NO	
	SWSE31	12ON	22OE					
	SWSW31	12ON	22OE					

S H A R E D U S E S A N D D I V E R S I O N S

\*\* WATER FROM DO2 FOUND IN FILE (033-51-14) IS USED IN THIS FILE

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
DMOO1	39-0080956	NONE			GROUNDWATER
IROO1	39-0080957	20-0097173 36-0067399	1895	36-67399	SILVER CREEK

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
DMOO1					SEE VOLUME 1
IROO1	AVG. EFFICIENT	24.1	5.7 AF/AC	137.3 AFA	
	MAXIMUM ANNUAL	24.1	6.9 AF/AC	166.2 AFA	
	DECREE	24.1	1.3 CFS		



FILINGS AND DECREES

DECREE NUMBER 20-09-7173 - NAVAJO COUNTY SUPERIOR COURT JUDGEMENT AND DECREE DATED 2/16/56: SHOW LOW-SILVER CREEK WATER CONSERVATION AND POWER DISTRICT (PLAINTIFF) V. ELBERT D. SOLOMON AND GERTRUDE S. SOLOMON (DEFENDANTS). THE PLAINTIFF DISTRICT IS THE PREDECESSOR OF THE SILVER CREEK IRRIGATION DISTRICT. THE DECREE STATES THAT THE DEFENDANTS HAVE THE RIGHT TO IRRIGATE APPROXIMATELY 70 ACRES WITH THE FOLLOWING QUANTITIES OF WATER FROM SILVER CREEK (DIVERSION D2): 1.33 CUBIC FEET PER SECOND IN THE NORTH DITCH, AND 1.74 CUBIC FEET PER SECOND IN THE SOUTH DITCH. THE DECREE ALSO SPECIFIES THAT THE PLAINTIFF DISTRICT MAY ASSESS THE DEFENDANT A FEE OF 20% OF THE CHARGE PER SHARE MADE TO "IN DISTRICT" MEMBERS BASED ON A TOTAL OF 70 SHARES PER ACRE. THE FEE COVERS THE PROPER PORTION OF THE EXPENSE INCURRED IN THE OPERATION AND MAINTENANCE OF THE STORAGE RESERVOIR AT DAGGS DAM (WHITE MOUNTAIN LAKE. IT WAS FURTHER DECREED THAT THE PLAINTIFF DISTRICT HAS THE RIGHT TO CONSTRUCT AND MAINTAIN WEIRS IN THE DEFENDANT'S DITCHES FOR THE PURPOSE OF LIMITING THE USE OF WATER TO THE DECREED QUANTITIES. THE DECREE DOES NOT SPECIFY A PRIORITY DATE FOR THE DIVERSION, STATING THAT "THIS DECREE SHALL NOT BE CONSTRUED AS A DETERMINATION OF PRIORITIES BETWEEN THE DEFENDANTS AND THE MEMBERS OF THE PLAINTIFF DISTRICT."

DIVERSIONS

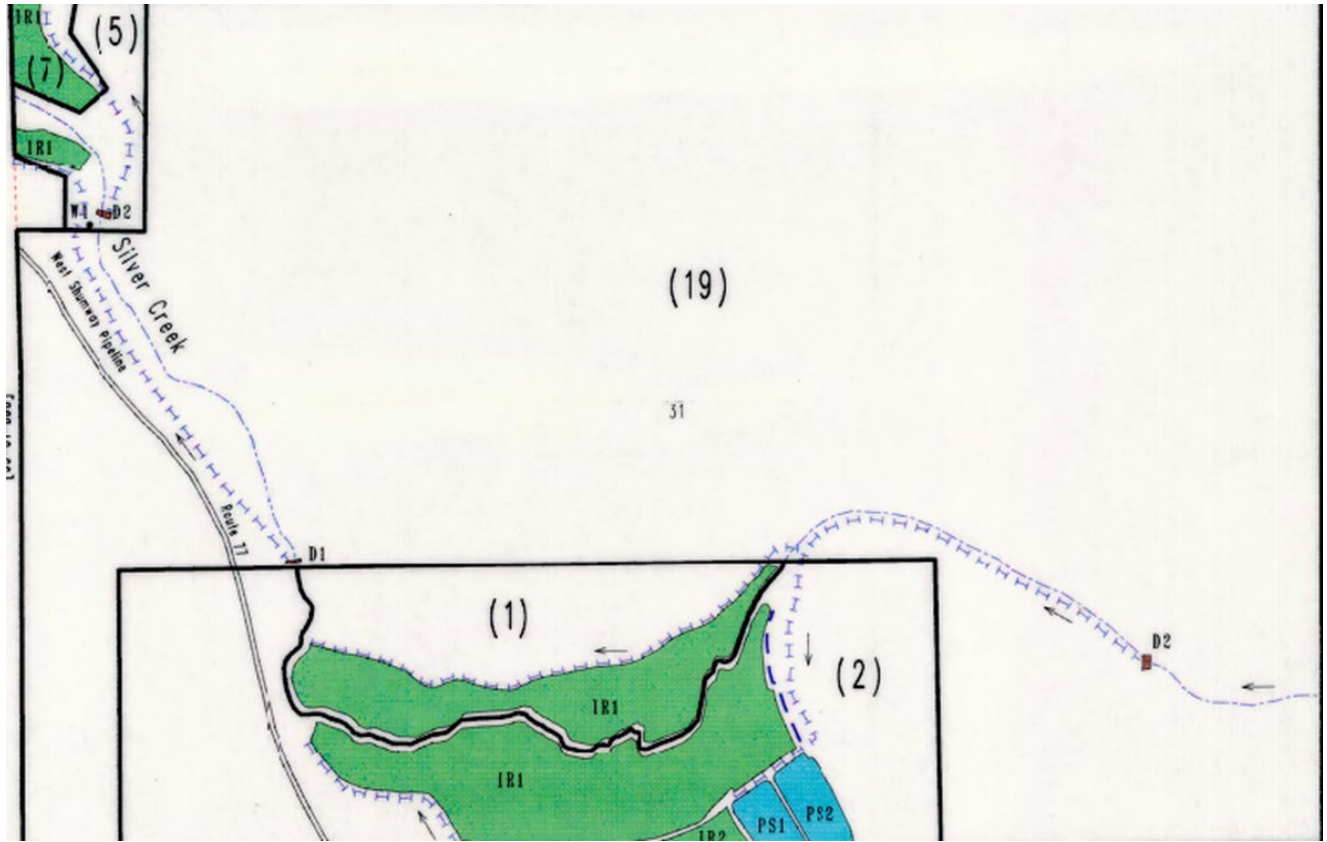
D2 - DIVERSION FROM SILVER CREEK FOR IRRIGATION USE. THE DIVERTED WATER IS SPLIT AND SENT INTO NORTH AND SOUTH PIPELINES/DITCHES. THE SOUTH PIPELINE SUPPLIES WATER TO ADJACENT PRIVATE PROPERTY (REFER TO W.F.R.'S #033-51-BDA-2 & #033-51-BDD-11). THE NORTH PIPELINE SUPPLIES WATER TO THIS PROPERTY ONLY.

USES AND RESERVOIRS

DM1 - DOMESTIC USE.  
IR1 - IRRIGATED PASTURE.

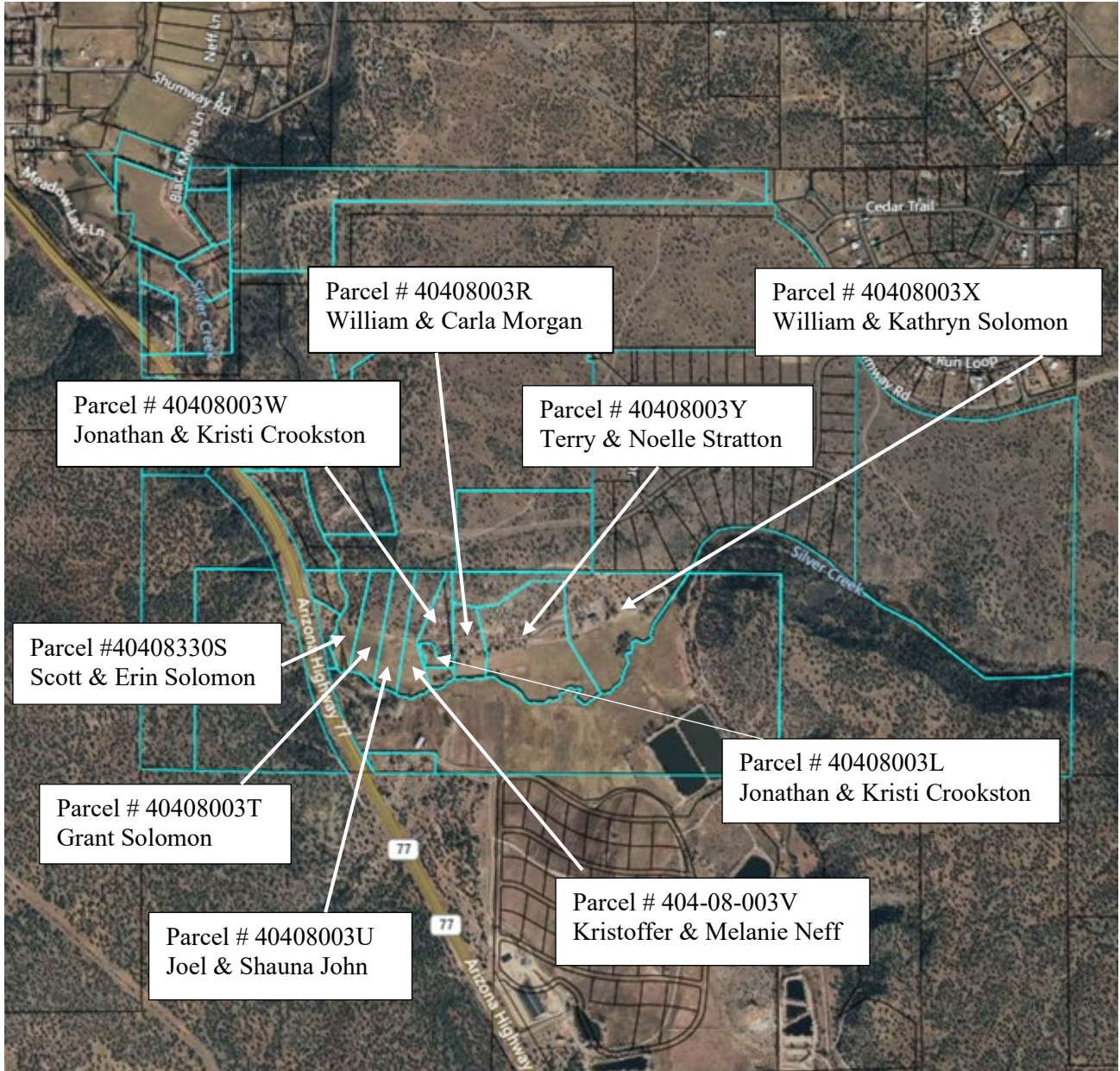
# ATTACHMENT B

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# ATTACHMENT C

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Arizona Department of Water Resources  
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Joel & Shauna John  
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Phoenix, AZ 85023

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Taylor, AZ 85939

Arizona State Land Department  
Carrie Brennan and Kevin Crestin  
Arizona Attorney General  
Natural Resources Section  
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Phoenix, AZ 85004

Kathryn and William Solomon  
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Taylor, AZ 85939

Kristoffer & Melanie Neff  
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Taylor, AZ 85939

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

Mark J. Widerschein  
US Dept of Justice – ENRD  
Natural Resources Section  
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Washington, DC 20044

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Jeffrey Leonard, Judith Dworkin and  
Kathryn Hoover  
SACKS TIERNEY P.A.  
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Scottsdale, AZ 85251

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Taylor, AZ 85939

Noelle and Terry Stratton  
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Snowflake, AZ 85937

Grant L. Solomon  
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Taylor, AZ 85939

Hopi Tribe  
General Counsel of the Hopi Tribe  
P. O. Box 123  
Kykotsmovi, AZ 86039

Rodgerick T. Begay  
Stanley M. Pollack and Doreen N. McPaul  
Navajo Nation Depart. of Justice  
P.O. Box 2010  
Window Rock, AZ 86515-2010

1 Salt River Project  
2 J. B. Weldon, M. A. McGinnis, M. K. Foy  
3 Salmon, Lewis & Weldon  
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Phoenix, AZ 85016

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

4 San Juan Southern Paiute Tribe  
5 J. Kolsrud, I. Fimbres-Ruiz, K. Shaffer  
6 May, Potenza, Baran & Gillespie, PC  
1850 N. Central Avenue, Ste 1600  
Phoenix, AZ 85004-4633

United States of America  
P. O. Box 607  
Albuquerque, New Mexico 87103

7  
8 Scott & Erin Solomon  
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9 San Tan Valley, AZ 85140

William & Carla Morgan  
24423 S 120th Pl  
Chandler, AZ 85249

10 Special Master Susan Ward Harris  
11 Superior Court of Arizona  
201 W. Jefferson Street  
12 Courtroom 301  
Phoenix, AZ 85003

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# **ATTACHMENT E**



## Court Connect Hearing Notice for In re Elbert D. & Gertrude Solomon

*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 Elbert D. & Gertrude Solomon, Contested Case No. CV6417-33-6041

**Start Date/Time:** February 2, 2023 at 2:15 p.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](#)

