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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

CV6417

Case: **CV6417-33-6757**

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

CONTESTED CASE NAME: *In re Vincent F. and Elaine N. Acri*
HSR INVOLVED: Silver Creek Hydrographic Survey.
DESCRIPTIVE SUMMARY: The Clerk of Apache County Superior Court is directed to initiate CV 6417-33-6757. Initial conference set for **April 10, 2024, at 9:30 a.m.**
NUMBER OF PAGES: 11

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 Amber L. Perry. The first step in this case is an initial conference with the Court, scheduled for **April 10, 2024, at 9:30 a.m.** to determine if landowners are interested in pursuing potential water rights. Interested Parties **MUST** attend the

1 scheduled initial conference if they plan to pursue potential water rights. Failure to appear at the
2 initial conference could result in the dismissal of the case and the loss of water rights associated
3 with the property.

4 In this case, Vincent F. and Elaine N. Acri filed Statement of Claimant (“SOC”) 39-
5 80599 on January 27, 1982, to assert claims to use water on Navajo County Tax Parcel 212-26-
6 180.

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

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

12
13 **Details of the Case**

14 On January 27, 1982, Vincent F. and Elaine N. Acri filed Statement of Claimant (“SOC”)
15 39-80599. The SOC contains the following claims for water rights:

Quantity	Water Source	Water Use
1.00 acre-foot annually (AFA)	Tiny Spring, tributary to Show Low Creek	Domestic

16
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18
19 The Arizona Department of Water Resources (“ADWR”) investigated the claims made
20 by Vincent F. and Elaine N. Acri (“Claimants”) and prepared Watershed File Report No. 33-56-
21 044 (“WFR”), published in the Final Silver Creek Watershed Hydrographic Survey Report
22 (1991) (“Silver Creek HSR”). The WFR recorded that water was being used for domestic and
23 stockpond uses. A copy of the WFR is attached as Attachment B.

24
25 After ADWR issued the WFR, objections were filed to the findings made in the WFR by
26 the United States. The Hopi Tribe, San Juan Southern Paiute Tribe, and Navajo Nation joined
27 the in the United States’ objections.

1 **Claimant and Landowners**

2 The WFR lists Vincent F. and Elaine N. Acri as the owners of the property investigated.
3 According to the statement of claimant, the area where water rights were claimed is Navajo
4 County Tax Parcel 212-26-180.

5 A copy of the map on file with the Assessor showing the relevant tax parcel is attached
6 as Attachment C.

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

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

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

21 **IT IS ORDERED:**

- 22 1. Case Initiation. This contested case shall be known as *In re Vincent F. and*
23 *Elaine N. Acri*, and it will resolve claims to appropriable water asserted in
24 Statement of Claimant 39-80599 and objections that were filed to Watershed File
25 Report No. 33-56-044.
- 26 2. Initial Conference. An initial conference shall be held on **April 10, 2024, at**
27 **9:30 a.m.** to determine whether the current landowner intends to pursue claims for
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1 water rights. The conference will be held using the Court Connect program.
2 Instructions for Court Connect are attached as Attachment E. If you receive this order
3 by email, click on the red box “Join Court Connect Hearing” on the attached
4 instructions to make an appearance. If you do not receive this order by email, log
5 into the Court Connect program on the internet by typing
6 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you
7 may attend telephonically using the telephone number and access code included in
8 the instructions for Court Connect.

9 3. Parties. The litigants in this contested case are the Claimant, the current landowners,
10 and any party who filed an objection to the Watershed File Report. The objectors in
11 this case are the United States, the San Juan Southern Paiute Tribe, the Hopi Tribe,
12 and the Navajo Nation.

13 4. Objections. Copies of the objection filed to WFR No. 33-56-044 can be found under
14 the case number CV6417-33-6757 on the following website:
15 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/
16 whatsNew.asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp).

17 5. Court-Approved Mailing List.

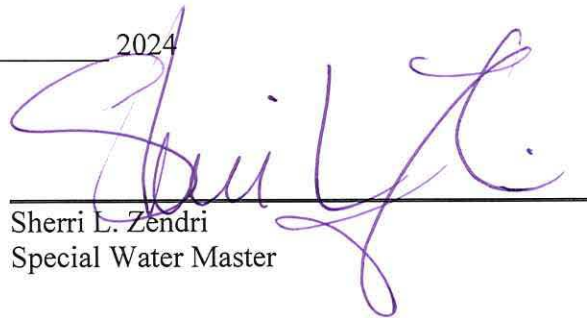
18 A. The initial Court-approved mailing list for this case shall include all
19 persons listed on Attachment D to this order. The list may be modified
20 only by filing a motion with the Special Master to amend the Court-
21 approved mailing list. Litigants are responsible for using the current
22 Court-approved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

23 B. A copy of any pleading filed with the Clerk of the Apache County
24 Superior Court in this case shall be served upon each person listed on the
25 Court-approved mailing list.
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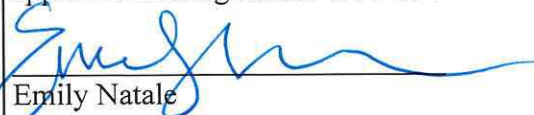
- C. Claimants wishing to be added or removed from the mailing list shall file a motion with the Special Master. Parties allowed to intervene will be automatically added to the Court-approved mailing list.
- D. The Clerk of the Court will send copies of all minute entries and orders issued in this case 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 5th day of March 2024



Sherri L. Zendri
Special Water Master

On March 5, 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, and to all persons listed on the Court-approved mailing list for CV6417.



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 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.

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ATTACHMENT B
Watershed File Report

LAND OWNER	WATERSHED FILE NO.
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ACRI, VINCENT F. & ELAINE N. TRUST	033-56-044

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
39-0080599		DOMESTIC	1.00	24	090N	220E	< 1982	24	090N	220E

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
39-0080599	DOMESTIC	DOMESTIC	S01	DM001

D I V E R S I O N S

DIV #	LOCATION SECTION	TWNP	RNGE	DRAINAGE AREA/ WATER SOURCE NAME	DIVERSION NAME	REMARKS
S01	SWSENE24	090N	220E	SHOW LOW CREEK	TINY SPRING	

U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCE	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DM001	SWSENE24	090N	220E	S01	SURFACE		NO	

R E S E R V O I R S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCE	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SPO01	SWSENE24	090N	220E		SURFACE	1953	UNNAMED	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
DM001	39-0080599	NONE	1953	1953 AERIAL PHOTO	SHOW LOW CREEK
SPO01	NONE	NONE			SHOW LOW 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
DM001					SEE VOLUME 1
SPO01	MAX. AREA/CAP	< 2.0		< OR = 15.0 AF	

E X P L A N A T I O N

DIVERSIONS

S1 - SPRING (TINY SPRING), LOCATED WITHIN THE SHOW LOW CREEK DRAINAGE AREA, SUPPLIES DOMESTIC WATER USE.

USES AND RESERVOIRS

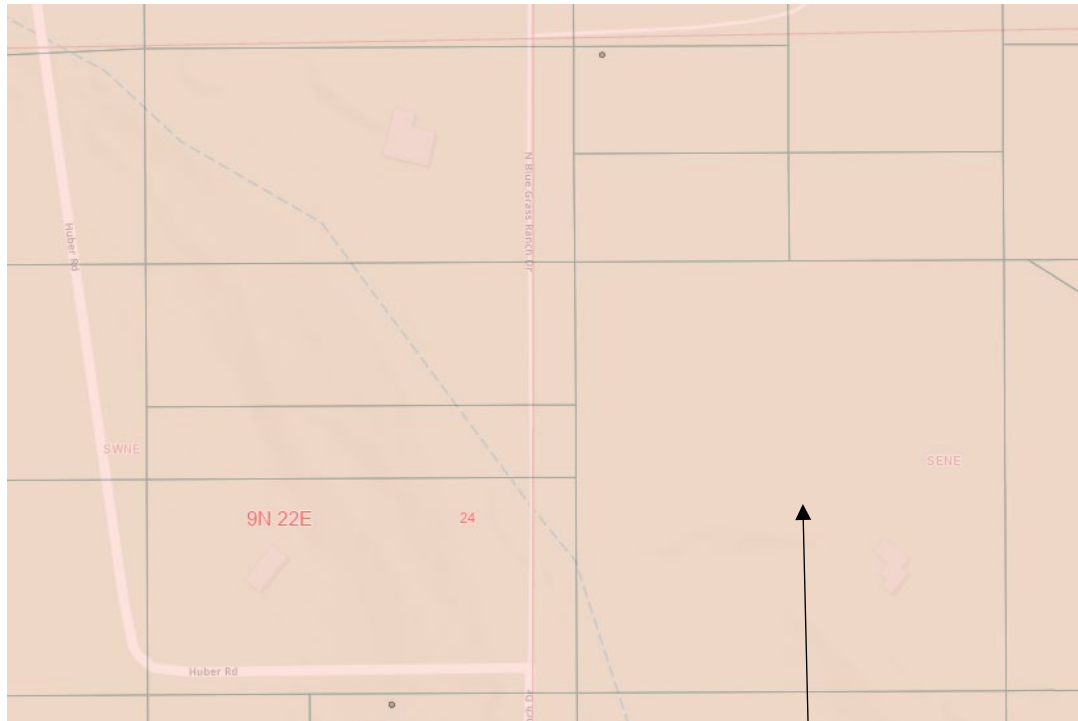
DM1 - DOMESTIC USE.

SP1 - STOCKPOND LOCATED ON AN UNNAMED TRIBUTARY TO PORTER CREEK, WITHIN THE SHOW LOW CREEK DRAINAGE AREA.

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ATTACHMENT C

Assessor Map



212-26-180
Amber L. Perry

ATTACHMENT D

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

C. Campbell, P. Londen, P. Bowden
OSBORN MALEDON, P.S.
2929 North Central Avenue, Ste 2100
Phoenix, AZ 85012

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

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

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

Navajo Nation
Evan Hiller, Candace French, Jeffrey
Leonard, Judith Dworkin and Kathryn
Hoover
SACKS TIERNEY P.A.

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

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

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

Amber L. Perry
2601 N Blue Grass Ranch Rd.
Lakeside, AZ 85929

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

ATTACHMENT E



Court Connect Hearing Notice for In re Vincent F. & Elaine N. Acri

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 Vincent F. and Elaine N. Acri
Contested Case No. CV6417-33-6757
Start Date/Time: April 10, 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](#)