

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

June 27, 2024

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SHERRI ZENDRI

M. Pritchard

Deputy

FILED: July 10, 2024

In re: V.S. and Blanch Peterson
Contested Case No. CV6417-33-6771

In re: the General Adjudication
of All Rights to Use Water in the
Little Colorado River System and Source

In re: Status Conference

MINUTE ENTRY

Courtroom: CCB 301

10:34 a.m. This is the time set for a Status Conference before Special Water Master, Sherri Zendri.

The Court notes that a Notice of Appearance from the University of Arizona Natural Resource Use and Management Clinic as counsel for Jack and Jackie Peterson, Steve and Stephanie Peterson, and David Peterson has been received.

LET THE RECORD REFLECT that this is approved.

The following attorneys and parties appear telephonically:

- Jennifer Wendel and law student, Jonathan Michael, with Arizona Adjudications Project on behalf of Jack and Jackie Peterson, Steven and Stephanie Peterson, and David Peterson.
- Jon and Laurie Cato are present on their own behalf
- Kevin Crestin on behalf of the Arizona State Land Department
- Mark Widerschein and Jared Crum on behalf of the United States (US)
- Katrina Wilkinson observing on behalf of Salt River Project (SRP)
- Brandon Delgado on behalf of the Hopi Tribe
- Garrett Perkins observing on behalf of the LCR Coalition
- Kimberley Parks on behalf of the Arizona Department of Water Resources (ADWR)

A record of the proceedings is made digitally in lieu of a court reporter.

The Court notes that it has received a status report from the Peterson's, but has not yet reviewed this. The Court inquires if there is an update from the Cato's.

Ms. Cato provides an update to the Court. They have filed a Statement of Claimant (SOC), an Amendment to an [older] SOC, and an Assignment for two wells with ADWR on May 31, 2024.

The Court inquires if there is an update from the Peterson's.

Mr. Michael provides an update to the Court. They have recently filed a status report, which the other parties should be receiving by mail shortly. They have drafted SOCs but need further information in order to finish those. The claimants are no longer claiming the 14,000 acres of use with the three springs. Jack and Jackie Peterson, Steven and Stephanie Peterson, and David Peterson live on separate parcels, but have intermingled water usage from different sources. They estimate that the current use would not exceed 120 acres. They have requested historical information from the National Archives and expect to receive that information shortly. They are currently waiting for an order on *de minimus* use and a subflow zone determination regarding the Silver Creek subflow to determine their next steps. Therefore, they would request that this case be stayed to receive those orders and determinations, finish historical research, and make an exact water use determination.

The Court notes that the Silver Creek subflow report is due September 2026. The Court inquires of the parties if there are any objections to staying at least the Peterson's portion of this case.

There are no objections.

The Court notes that the Cato well may or may not be within the subflow zone, but would likely be included in the stay as well.

Ms. Cato adds that they have two wells one three-acre parcel. An updated survey has been filed to reflect that the parcel is now three acres instead of two acres. This was included with the SOC.

IT IS ORDERED that the Cato's shall file all above-mentioned documents with the Court.

The Court inquires if ADWR has any opinion on a stay.

Ms. Parks notes that the Silver Creek Report of the Special Master was adopted by the judge in 2023 for *de minimus* uses, but otherwise has no objection to the stay.

The Court notes that one or two other cases are connected to this claim.

Ms. Wendel adds that David and Jack Peterson were involved in three other contested cases (6895, 6894, and 6896), but they have filed to remove them from those cases.

The Court notes that there are still two other contested cases that have not been initiated yet that are related to this contested case. One of the cases involves the Peterson tank.

Ms. Wendel adds that the Peterson tank is on private land not owned by the Peterson's.

The Court notes that a stay may be appropriate in this case, but it first needs to review the other connected cases to see how they would be affected. There may be parts of the case that can move forward.

Mr. Michael notes that a determination for the Peterson tank would be helpful for this case.

Ms. Wendel notes that the maps need to be updated with some added parcels. She also notes that SOC #39-86831 is connected to this case, and SOC # 39- 86830 is connected to David Peterson. It may be appropriate to reinstate both SOCs.

The Court will issue a specific order reinstating those SOCs once it has reviewed the other cases and determined how all cases regarding those SOCs will move forward.

Ms. Cato inquires if they cannot move forward with their *de minimus* process until the subflow is determined?

The Court states that that may be the case, but it needs to confirm where the wells are located.

Mr. Cato notes that himself and Ms. Cato will not be available in September. He inquires whether there are further steps that they need to take now.

The Court states that the Cato's have completed the necessary tasks to date and the next hearing will be scheduled after September.

The Court will schedule a further Status Conference in approximately 90 days.

10:56 a.m. Matter concludes.

A copy of this order is mailed to all persons listed on the Court-approved mailing list.

LATER:

On July 8, 2024, the Court received copies of the SOC, amended SOC, and SOC assignment from Jon and Laurie Cato. Additionally, the filing included a current recorded survey for the Cato property. All parties on the court-approved mailing list were sent a copy of the filing.

Counsel for the Petersons has requested a stay on this case until the *de minimis* and subflow reports are completed by ADWR. The Silver Creek *de minimis* procedures have been completed and were approved by the Court on April 18, 2023. Only stockwatering and stockpond uses have been designated as *de minimis* uses for the Silver Creek watershed.

The Subflow Delineation Report for the Silver Creek area is expected to be published for comments in September 2026. This contested case focuses on well withdrawals therefore final adjudication cannot be completed until the Silver Creek subflow zone is approved by the Court. As such, there is no need at this time to schedule any further status conferences.

IT IS ORDERED staying this case until the final Silver Creek subflow zone is approved by the Court.