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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: **CV6417-33-6784**

**ORDER RESUMING CONTESTED  
CASE AND SETTING STATUS  
CONFERENCE**

CONTESTED CASE NAMES: *In re Transamerica Title Insurance Co.*  
HSR INVOLVED: Silver Creek Hydrographic Survey.  
DESCRIPTIVE SUMMARY: The Clerk of Apache County is directed to initiate CV6417-33-6784. Initial conference set for **Wednesday, September 18, 2024, at 11:00 a.m.**  
NUMBER OF PAGES: 18

**General Explanation**

This order resumes, after a lengthy pause in adjudication, a case to determine rights to use water on land that the Navajo County Assessor has identified as owned by the individuals and entities listed on Attachment A. The first step in this case is an initial conference with the Court, scheduled for **Wednesday, September 18, 2024, at 11:00**

1 **a.m.**to determine if each landowner is interested in pursuing water rights claims. Each  
2 current landowner **MUST** attend the scheduled initial conference if they plan to pursue  
3 water rights claims. Failure to appear at the initial conference could result in the  
4 dismissal of the case and the loss of potential appropriative water rights.

5 During the initial conference, each current landowner must state whether he or  
6 she intends to pursue water rights claims.

7  
8 **Additional background information on the process for determining water rights**  
9 **in Arizona can be found on Attachment B.**

### 10 11 **Details of the Case**

12 In this case, the United States Forest Service (“Claimant”) filed Statement of  
13 Claimant (“SOC”) 39-89984 in 1985. Statement of Claimant (“SOC”) 39-89984  
14 contains a claim for a stockpond located in northwest-southeast section 25, Township 10  
15 North Range 21 East.

16 The Arizona Department of Water Resources (“ADWR”) investigated the claims  
17 made by the Claimant and prepared Watershed File Report (“WFR”) 33-56-077,  
18 published in the Final Silver Creek Watershed Hydrographic Survey Report (1991)  
19 (“Silver Creek HSR”). The WFR recorded that water was being used for a stockpond  
20 within southeast-northwest-southeast Section 25, Township 10 North Range 21 East. A  
21 copy of the WFR is attached as Attachment C. A map, prepared by ADWR, showing the  
22 area investigated is attached as Attachment D.

23 After ADWR issued the WFR, objections were filed to the findings made in the  
24 WFR by the Salt River Project and the United States joined by the Navajo Nation, the  
25 Hopi Tribe, and the San Juan Southern Paiute Tribe. The purpose of this case is to  
26  
27  
28

1 consider the claim in SOC 39-89984 and to resolve the objections to WFR No. 33-56-  
2 077.

3 **Claimant and Landowners**

4 WFR 33-56-077 lists Transamerica Title Insurance Company as the owner of the  
5 property investigated in 1991. According to maps obtained from the Navajo County  
6 Assessor’s (“Assessor”) website, the land investigated appears to comprise the tax  
7 parcels listed on Attachment A to this order.

8 A copy of the map showing the relevant tax parcels and current ownership is  
9 included as part of Attachment A. The public records of ADWR do not contain any  
10 assignments of the SOC listed in the WFRs, and landowners do not appear to have filed  
11 any additional SOCs since the issuance of the 1991 HSR.

12  
13 **Objections**

14 Objections to WFR 33-56-077 concern the absence of a basis of right supporting  
15 the relevant water right claim. Additionally, the SOC in question is not assigned to any  
16 of the current property owners.

17 In order to obtain a decreed water right, a property owner must present to the  
18 Court both an appropriate SOC claiming a water right in the name of the property owner  
19 **and** evidence of that right. This evidence may include the relevant WFRs. Alternatively,  
20 the property owners may settle with objectors. If either the property owner proves to the  
21 Court the existence of a water right on their property or enters into a valid settlement  
22 approved by the Court, the court will recognize enforceable water rights in a “Final  
23 Decree.” Ariz. Rev. Stat. § 45-257(B).

24 This is an order from the Court, and all parties must comply with the following  
25 instructions. The failure to obey this, or any, court order may result in the dismissal of  
26 this case and the loss of any potential surface water rights associated with the property  
27 mentioned in this order. If you have questions regarding this Order or any of the  
28

1 attachments, please contact the General Stream Adjudication, Office of the Special  
2 Water Master, at (602) 372-4115. Please note that staff can only answer administrative  
3 questions and cannot provide legal advice.  
4

5 **IT IS ORDERED:**

6 1. Case Initiation. This order initiates contested case CV6417-33-6784.

7 This case will resolve claims to use appropriable water asserted in Statement  
8 of Claimant 39-89984 and objections that were filed to Watershed File  
9 Report No. 33-56-077.

10 2. Initial Conference. An initial conference shall be held on **Wednesday,**  
11 **September 18, 2024, at 11:00 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 in this case are the United States, the San Juan Southern Paiute  
24 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.

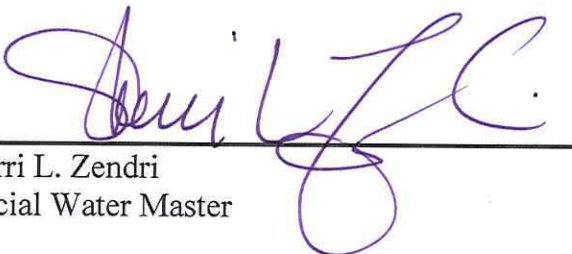
9 B. A copy of any pleading filed with the Clerk of the Apache County  
10 Superior Court in this case shall be served upon each person listed  
11 on the Court-approved mailing list.

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.

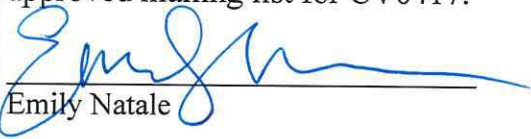
19 E. Claimants who would like to receive courtesy copies of minute  
20 entries and orders may request inclusion on an email list by sending  
21 a request to [emily.natale@jbazmc.maricopa.gov](mailto:emily.natale@jbazmc.maricopa.gov).

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

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Sherri L. Zendri  
Special Water Master

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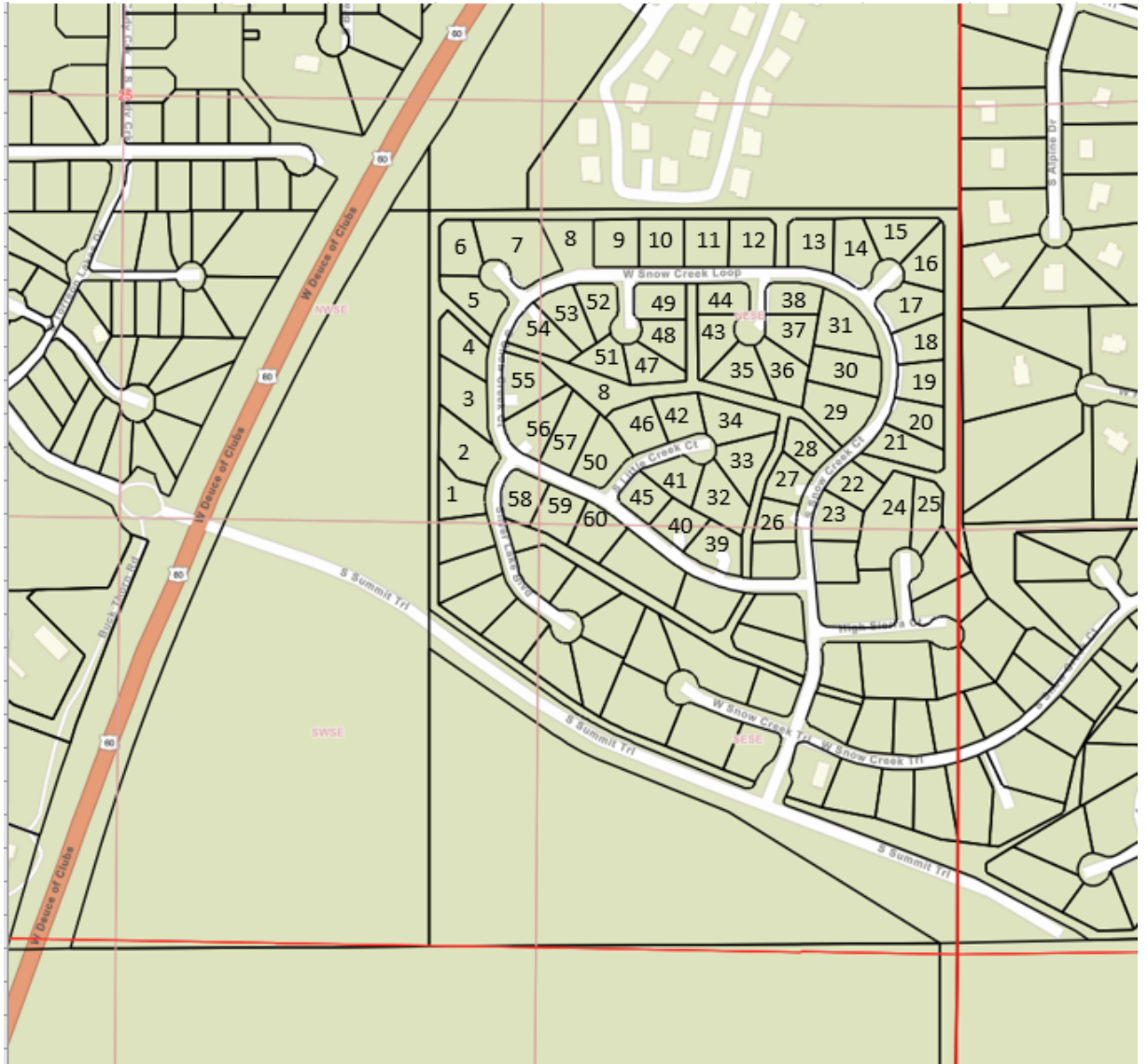
On July 18, 2024, the original of the foregoing was delivered to the Clerk of the Apache County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for this contested case, a copy of which is attached hereto as Attachment F, and to all persons listed on the Court-approved mailing list for CV6417.

  
Emily Natale

**ATTACHMENT A**

**Assessor Map and Owner List**

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#	APN	Owner
1	30990026	Hayden Boyett LLC
2	30990027	Carl Miller
3	30990028	Paula J Delatorre
4	30990029	Carl Miller
5	30990063	James R & Diana R Gosliga
6	30990064	Michael Campos
7	30990066B	Flading Family Trust
8	30990999	Snow Creek Property Owners Association
9	30990068	Martin T Chalupa
10	30990069	Merino Trust
11	30990070	Gloria R Alvarado
12	30990071	Mark Stachon
13	30990072	Marcelene & John Camou
14	30990073	Marcelene & John Camou
15	30990074	Kirt R & Susan E Hamm Trustees
16	30990075	Robert W & Kristy L Blum Revocable Trust
17	30990076	Bill Brown
18	30990077	Gary & Donna Kunemund Living Trust
19	30990078	Felice B Weiner
20	30990079	Mitchell W & Jean Araman
21	30990080	Englander 2011 Revocable Trust
22	30990081	Matthew Lillegraven
23	30990082	Mark E & Vickie R Brennan Trustees
24	30990086A	Randell R Kraft
25	30990088	Donald P Byers Trustee
26	30990044	Dan G & Stacey E Bevier
27	30990045	Michael S Giglio
28	30990046	Riley Trust
29	30990047	Joshua & Melissa Rutherford
30	30990048	Carlos & Sonja Batlle Trustees
31	30990049	Hektor Family Trust
32	30990038	D&Sb Living Trust
33	30990037	Timothy J & Deborah J Bonnet
34	30990036	Faudskar Family Living Trust
35	30990053	Vrej Kheshvadjian
36	30990052	Judith A Nordburg
37	30990051	John R & Julia A Barton
38	30990050	Robert J Rivera Trustee
39	30990042	Rhonda Holleran
40	30990041	Stephanus P & Jonanda Duvenhage



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41	30990039	Steven L Striedel
42	30990035	Timothy L & Mary E Thomas Trustees
43	30990054	JF Properties Llc
44	30990055	Merilee E Phillips
45	30990040	Bruce A & Julie A Philipps Trustees
46	30990034	Mark C & Kim L Macaluso
47	30990058	Wanda J Colburn
48	30990057	Richard J & Joane C Akers Trustees
49	30990056	Merilee E Phillips
50	30990033	Jerry L & Paula M Steger Trustees
51	30990059	Jeffrey A Myer
52	30990060	Robert L Ford
53	30990061	Ronald Mcgee Trustee
54	30990062	Calvin J & Johanna P Hammel
55	30990030	William L Dannenberg
56	30990031	Randall E & Kathleen B Hotchkiss Trustees
57	30990032	Joseph P & Ellen A Castaldo
58	30990016	Sandra L Hatcher
59	30990015	Cary Johnson
60	30990014	Roger E & Linda Haythornwhite Trustee

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3 **ATTACHMENT B**

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

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

13 All cases begin with the filing of a “Statement of Claimant,” (“SOC”) in which a  
14 property owner makes a claim for a right to use surface water on their property. Ariz. Rev. Stat.  
15 § 45-254(A). This person is the “claimant.” The SOCs contain, among other characteristics, a  
16 description of the source and quantity of the water used, the location of use, the location from  
17 which the water was diverted, and the date when the water was first put to use. *Id.* § 45-254(C).

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

25 This “contested case”, one of thousands in the Little Colorado River System, will  
26 evaluate claims asserted in specific Statements of Claimant while considering objections to the  
27 WFR that reported ADWR’s initial inspection of those claims.  
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**ATTACHMENT C**  
**Watershed File Report**

LAND OWNER                      WATERSHED FILE NO.  
-----  
TRANSAMERICA TITLE            033-56-077  
INSURANCE CO.

PHOTO ID - 12-3

QUAD 1 - SHOW LOW SOUTH

## 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
38-0010658		STOCKPOND REC/FISH/WDLF	.05	NWSE25	100N	210E	1965	NWSE25	100N	210E
39-0089984		STOCKPOND	.17				1965	NWSE	25	100N 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
38-0010658	STOCKPOND REC/FISH/WDLF	STOCKPOND INCIDENTAL		SP001
39-0089984	STOCKPOND REC/FISH/WDLF	STOCKPOND INCIDENTAL		SP001

## 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
SP001	SENWSE25 100N 210E		SURFACE	1970	HIWAY TANK	

## 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	39-0089984	38-0010658	1965	38-10658	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
SP001	MAX. AREA/CAP	< 2.0		< OR = 15.0 AF	

## E X P L A N A T I O N

## FILINGS AND DECREES

FILINGS 38-10658 & 39-89984 WERE FILED BY THE U.S. FOREST SERVICE, APACHE-SITGREAVES NATIONAL FOREST. THIS PARCEL WAS TRANSFERRED TO PRIVATE OWNERSHIP IN 1986.

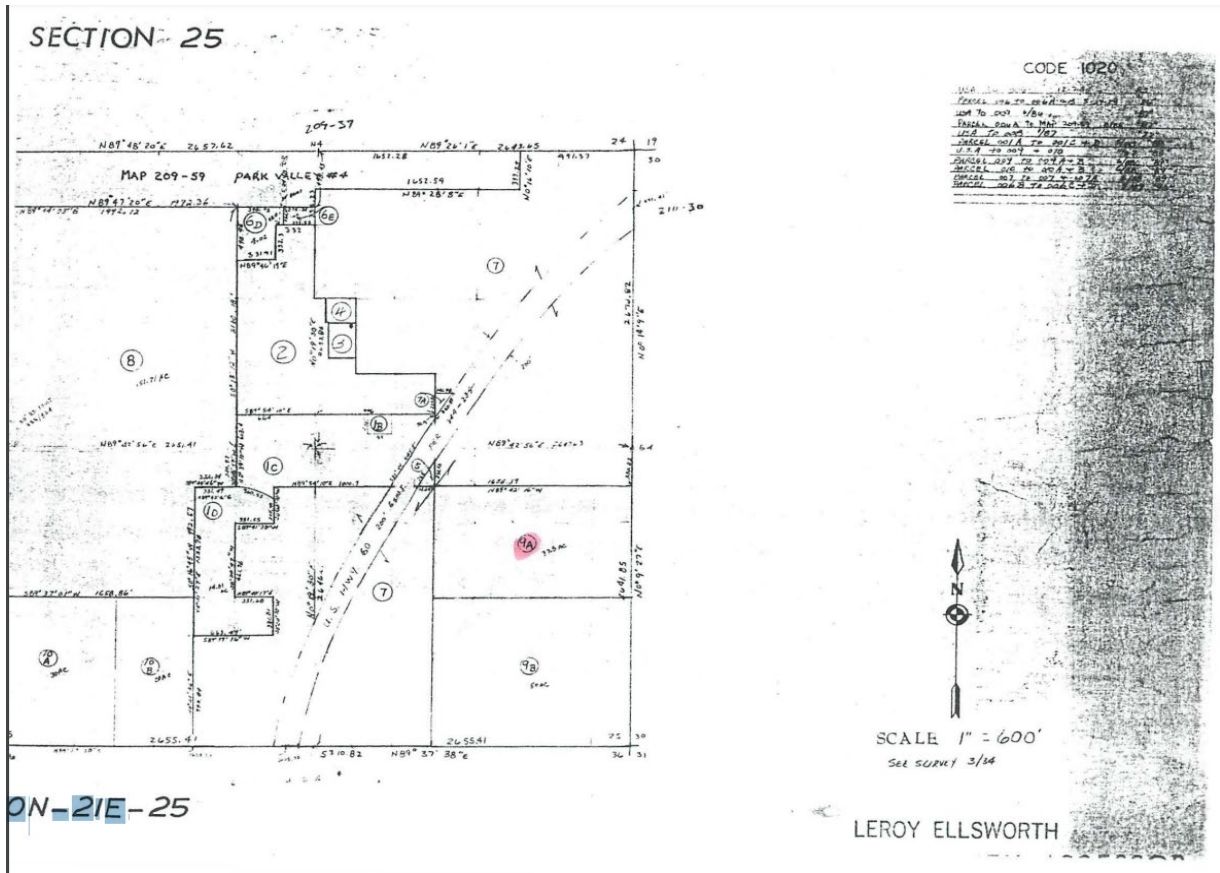
## USES AND RESERVOIRS

SP1 - STOCKPOND LOCATED ON AN UNNAMED TRIBUTARY TO SHOW LOW CREEK.

**ATTACHMENT D**

**ADWR Map**

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**ATTACHMENT E**



**Court Connect Hearing Notice for In re Transamerica Title Insurance Co.**

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 Transamerica Title Insurance Co.**

**Contested Case No. CV6417-33-6784**

**Start Date/Time: Wednesday, September 18, 2024 at 11:00 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**

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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

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

Hayden Boyett LLC  
c/o Jay M. Allen  
48 N Macdonald  
Mesa, AZ 85201

Carl Miller  
6854 Queens High Rd  
Show Low, AZ 85901

Paula J Delatorre  
2339 E Silverwood Dr  
Phoenix, AZ 85048-4203

James R & Diana R Gosliga  
1800 S Rockwood Cir.  
Show Low, AZ 85901

Michael Campos  
1905 E Mia Ln  
Gilbert, AZ 85298-3215

1	Flading Family Trust 1250 W Acanthus Pl Oro Valley, AZ 85755-8753	Mitchell W & Jean Araman PO Box 6070 Carefree, AZ 85377
3	Snow Creek Property Owners Association PO Box 2949 Show Low, AZ 85902-2949	Englander 2011 Revocable Trust 26001 N Wrangler Rd Scottsdale, AZ 85255
5	Martin T Chalupa 6751 W Ramocita Tucson, AZ 85743	Matthew Lillegraven 27334 N 109th Way Scottsdale, AZ 85262
8	Merino Trust 2693 S Velvendo Dr Gilbert, AZ 85295	Mark E & Vickie R Brennan Trustees 1651 W Snow Creek Loop Show Low, AZ 85901
10	Gloria R Alvarado 9542 E Juanita Ave Mesa, AZ 85209-4684	Randell R Kraft 37803 W Santa Monica Ave Maricopa, AZ 85138-4286
12	Mark Stachon 1721 W Snow Creek Loop Show Low, AZ 85901-1010	Donald P Byers Trustee 6923 E Mirabel Ave Mesa, AZ 85209
15	Marcelene & John Camou 1711 W Snow Creek Loop Show Low, AZ 85901-1010	Dan G & Stacey E Bevier 1650 W Snow Creek Loop Show Low, AZ 85901
17	Kirt R & Susan E Hamm Trustees 1037 W Jeanine Dr Tempe, AZ 85284-2851	Michael S Giglio Trust 12258 N 120th St Scottsdale, AZ 85259
19	Robert W & Kristy L Blum Revocable Trust 6947 E Ivyglen St. Mesa, AZ 85207	Riley Trust 12090 N. Thornydale Rd Ste. 110 #204 Marana, AZ 85658
22	Bill Brown 1801 S Outback Cir. Show Low, AZ 85901	Joshua & Melissa Rutherford 2639 N Power Rd Apt 2025 Mesa, AZ 85215
24	Felice B Weiner 9749 S Grandview Dr Tempe, AZ 85284-4082	Carlos & Sonja Batlle Trustees 1407 E Earll Dr Phoenix, AZ 85014



1	Hektor Family Trust 1700 W Snow Creek Loop Show Low, AZ 85901	Rhonda Holleran 1462 Lodge Pole Dr Pagosa Springs, CO 81147
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3	D&Sb Living Trust 1650 W Snow Creek Loop Show Low, AZ 85901	Stephanus P & Jonanda Duvenhage Trustees 16414 S 29th Dr Phoenix, AZ 85045-2282
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5	Robert L Ford 306 E Seven Seas Dr Casa Grande, AZ 85122	Steven L Striedel 7425 E Nora St Mesa AZ 85207
6		
7	Gary & Donna Kunemund Living Trust 5356 S Abbey Mesa, AZ 85212-8425	JF Properties LLC c/o Cory Frampton 25 Easy Street Ste D Carefree, AZ 85377
8		
9	Timothy J & Deborah J Bonnet 1931 S Little Creek Ct Show Low, AZ 85901	Merilee E Phillips Trustee PO Box 3322 Show Low, AZ 85902
10		
11	Faudskar Family Living Trust 4107 E Robin Ln Phoenix, AZ 85050	Jeffrey A Myer 8428 N 17th Ave Phoenix AZ 85021
12		
13	Vrej Kheshvadjan 3564 N Boulder Canyon St Mesa, AZ 85207	Richard J & Joane C Akers Trustees 4831 Studebaker Way Riverside CA 92509
14		
15	Judith A Nordburg 6901 E 1 <sup>st</sup> St. Apt 1006 Scottsdale AZ 85251	Jerry L & Paula M Steger Trustees 4873 W Mohawk Dr Eloy, AZ 85131
16		
17	Timothy L & Mary E Thomas Trustees 31913 N 15th Dr Phoenix AZ 85085	Bruce A & Julie A Philipps Trustees 14715 W Trading Post Dr Sun City West AZ 85375
18		
19	John R & Julia A Barton 161 S 11th St Show Low, AZ 85901	Mark C & Kim L Macaluso 1910 S Little Creek Ct Show Low AZ 85901
20		
21	Robert J Rivera Trustee 1710 W Snow Creek Loop Show Low, AZ 85901	Wanda J Colburn 1820 S Rockwood Cir Show Low, AZ 85901
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Ronald McGee Trustee  
3400 E Lynx Pl  
Chandler, AZ 85249

Calvin J & Johanna P Hammel  
7379 E Softwind Dr  
Scottsdale, AZ 85255

William L Dannenberg  
9771 Jefferson Hwy Apt 128  
Baton Rouge, LA 70809

Randall E & Kathleen B Hotchkiss Trustees  
PO Box 43712  
Tucson, AZ 85733

Joseph P & Ellen A Castaldo  
1790 W Snow Creek Loop  
Show Low, AZ 85901-1001

Sandra L Hatcher  
1791 W Snow Creek Loop  
Show Low AZ 85901

U.S. Forest Service  
Box 640  
Springerville, AZ 85938

Cary Johnson  
14829 S 5th Ave  
Phoenix, AZ 85045

Roger E & Linda Haythornwhite Trustee  
1811 W Snow Creek Lp  
Show Low, AZ 85901

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Office of the Solicitor  
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