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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**

Cases: **CV6417-33-6735**  
**CV6417-33-6893**

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

CONTESTED CASE NAMES: *In re Jack G. and V. Scott Peterson (CV6417-33-6735)*  
AND *Kenneth L. and Joy Abrams (CV6417-33-6893)*  
HSR INVOLVED: Silver Creek Hydrographic Survey.  
DESCRIPTIVE SUMMARY: The Clerk of Apache County is directed to initiate CV6417-  
33-6893. Initial conference set for **Thursday, September 12, 2024, at 10:30 a.m.**  
NUMBER OF PAGES: 17

**General Explanation**

This order opens a case to determine rights to store and divert water on land that  
the Navajo County Assessor has identified as owned by Joy Abrams. The first step in  
this case is an initial conference with the Court, scheduled for **Thursday, September**

1 **12, 2024, at 10:30 a.m.** to determine if the landowner is interested in pursuing potential  
2 water rights. The current landowner **MUST** attend the scheduled initial conference if  
3 they plan to pursue potential water rights. Failure to appear at the initial conference could  
4 result in the dismissal of the case and the loss of water rights associated with the  
5 property.

6 In this case, Jack G. Peterson and Victor Scott Peterson filed Statements of  
7 Claimant (“SOCs”) 39-86831 and 39-86832 on June 27, 1985, to assert claims to use  
8 water stored on land that appears to comprise Navajo County tax parcel 212-26-171,  
9 which is currently owned by Joy Abrams.

10 During the initial conference, landowner Joy Abrams must state whether she  
11 intends to pursue any potential water rights.

12  
13 **Additional background information on the process for determining water rights**  
14 **in Arizona can be found on Attachment A.**

15  
16 **Details of the Cases**

17 On June 27, 1985, Jack G. Peterson and Victor Scott Peterson filed Statements of  
18 Claimant (“SOCs”) 39-86831 and 39-86832, which include the following claims  
19 relevant to these cases:

20

21 <b>Claim</b>	<b>Quantity</b>	<b>Water Source</b>	<b>Water Use</b>	<b>Use Location</b>
22 Annual 23 Volume of 24 Water Use	1400 acre- feet annually	Peterson, Log Cabin, Tree Springs	Irrigation	W1/2 Section 24 T9N, R22E
25 Storage 26 Right	1400 acre- feet	Peterson, Log Cabin, Tree Springs	Storage Reservoir	NENE Section 24 T9N, R22E

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1 The Arizona Department of Water Resources (“ADWR”) investigated the claims  
2 made by Jack G. Peterson and Victor Scott Peterson (“Claimants”) and prepared  
3 Watershed File Reports (“WFRs”), 33-56-007 and 33-56-ACAD-002, both published in  
4 the Final Silver Creek Watershed Hydrographic Survey Report (1991) (“Silver Creek  
5 HSR”). The WFRs recorded that water was being stored and diverted for irrigation, stock  
6 and wildlife watering, and recreational use within the northwest-northeast-northeast  
7 quarter-quarter section of Section 24, Township 9 North, Range 22 East. Copies of the  
8 WFRs are attached as Attachment B. A copy of a map displaying the area investigated  
9 by ADWR, denoted by “(2),” is attached as Attachment C. The map shows that water  
10 stored on the land investigated supplies various uses on properties that are the subject of  
11 other cases currently being heard by the Special Water Master. Due to the common  
12 parties and facts surrounding these cases, they will move through the adjudication  
13 process together.

14  
15 **WFR 33-56-007 (contested case CV6417-33-6735)**

16 After ADWR issued the WFR, objections were filed to the findings made in this  
17 WFR by the United States, Phelps Dodge (now Freeport Minerals), and the Salt River  
18 Project. The Hopi Tribe, Navajo Nation, and San Juan Southern Paiute Tribe joined in  
19 the United States’s objections. Objections to this WFR focused on the failure of the  
20 claimant (Peterson) to actually own the land where the claim is located. Additionally,  
21 objectors noted, among other issues, there was no basis of right claimed, and inadequate  
22 quantification of the potential water right.

23  
24 **WFR 33-56-ACAD-002 (contested case CV6417-33-6893)**

25 Objections were filed to the findings made in this WFR by the United States, the  
26 Arizona State Land Department, Joy Abrams, and the Salt River Project. The Hopi Tribe,  
27 Navajo Nation, and San Juan Southern Paiute Tribe joined in the United States’s  
28

1 objections. In addition to ownership objections for this WFR similar to WFR 33-56-007,  
2 objectors noted, among other issues, conflicting information with the basis of right, an  
3 inappropriate priority date, and inadequate quantification of the potential water right.

4 The purpose of these cases is to consider claims for water storage and diversion  
5 in SOCs 39-86831 and 39-86832 and to resolve the objections to WFR Nos. 33-56-007  
6 and 33-56-ACAD-002.

7  
8 **Claimant and Landowners**

9 WFR 33-56-ACAD-002 (contested case CV6417-33-6893) lists Kenneth L. and  
10 Joy Abrams as the owners of the property investigated in 1991. WFR 33-56-007  
11 (contested case CV6417-33-6735), apparently incorrectly, listed Jack and Victor  
12 Peterson as owners of the same property in 1991. According to maps obtained from the  
13 Navajo County Assessor's ("Assessor") website, the land investigated appears to  
14 comprise Navajo County tax parcel 212-26-171, which was in 1991, and currently is  
15 owned only by Joy Abrams.

16 A copy of the map showing the relevant tax parcels and current ownership is  
17 attached as Attachment D. The public records of ADWR do not contain any assignments  
18 of the SOCs listed in the WFRs, and the current landowner, Joy Abrams, does not appear  
19 to have filed any additional SOCs.

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

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

6  
7 **IT IS ORDERED:**

8 1. Case Initiation. This order initiates contested cases *In re Jack G. and V.*  
9 *Scott Peterson* and *In re Kenneth L. and Joy Abrams*. These cases will  
10 resolve claims to divert and store appropriable water asserted in Statements  
11 of Claimant 39-86831 and 39-86832 and objections that were filed to  
12 Watershed File Report Nos. 33-56-007 and 33-56-ACAD-002, respectively.

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

24  
25 3. Parties. The litigants in these contested cases are the claimants, the current  
26 landowner, and all parties who filed objections to the Watershed File Reports.  
27 The objectors in these cases, as noted on page 3 of this Order are the United  
28

1 States, the Arizona State Land Department, the Salt River Project, Joy  
2 Abrams, Freeport Minerals, the Hopi Tribe, Navajo Nation, and the San Juan  
3 Southern Paiute Tribe. Objectors who have commented on only one of the  
4 cases will not be permitted to raise additional objections in the other case.

5  
6 4. Objections. Copies of objections filed to these cases can be found under the  
7 respective case names and numbers on the following website:  
8 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjud](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)  
9 [ication/whatsNew.asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp).

10 5. Court-Approved Mailing List.

11 A. The initial Court-approved mailing list for these cases shall include  
12 all persons listed on Attachment E to this order. The list may be  
13 modified only by filing a motion with the Special Master to amend  
14 the Court-approved mailing list. Litigants are responsible for using  
15 the current Court-approved mailing list.

16 B. A copy of any pleading filed with the Clerk of the Apache County  
17 Superior Court in these cases shall be served upon each person  
18 listed on the Court-approved mailing list.

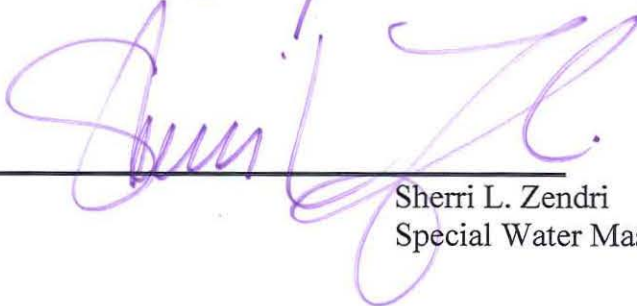
19 C. Claimants wishing to be added or removed from the mailing list  
20 shall file a motion with the Special Master. Parties allowed to  
21 intervene will be automatically added to the Court-approved  
22 mailing list.

23 D. The Clerk of the Court will send copies of all minute entries and  
24 orders issued in these cases to the parties listed on the Court-  
25 approved mailing list.

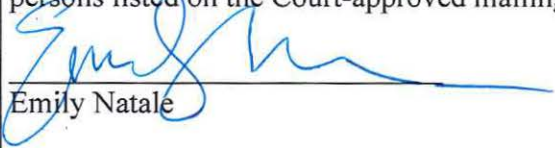
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E. Claimants who would like to receive courtesy copies of minute entries and orders may request inclusion on an email list by sending a request to emily.natale@jbazmc.maricopa.gov.

Signed this 12<sup>th</sup> day of July 2024

  
\_\_\_\_\_  
Sherri L. Zendri  
Special Water Master

On July 12, 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 these contested cases, a copy of which is attached hereto as Attachment E, and to all persons listed on the Court-approved mailing list for CV6417.

  
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Emily Natale

**ATTACHMENT A**

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**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 Reports**

LAND OWNER \_\_\_\_\_ WATERSHED FILE NO. \_\_\_\_\_  
 PETERSON, JACK G. 033-56-007  
 & V. SCOTT

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
39-0086831		IRRIGATION	1400.00	24	090N	220E	1907	NW19	090N	230E
		OTHER	1400.00	NENW24	090N	220E		SW18	090N	230E
				NENE24	090N	220E				
39-0086832		STOCKPOND	36.00		090N	220E	1907		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
39-0086831	IRRIGATION	IRRIGATION	DO1	DV001
	STOCKWATERING	INCIDENTAL		
	REC/FISH/WLDF	INCIDENTAL		
39-0086832	IRRIGATION	IRRIGATION	DO1	DV001
	STOCKWATERING	INCIDENTAL		
	REC/FISH/WLDF	INCIDENTAL		

D I V E R S I O N S

DIV #	LOCATION SECTION TWNP RNGE	DRAINAGE AREA/ WATER SOURCE NAME	DIVERSION NAME	REMARKS
DO1	NWNENE24 090N 220E	SHOW LOW CREEK	PETERSON TANK	SHARED

U S E S

PWR #	LOCATION SECTION TWNP RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCE	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DV001	NWNENE24 090N 220E	DO1	SURFACE		NO	PETERSON TANK

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 DO1 IS SHARED WITH THESE ADDITIONAL FILES:  
 033-56ACAD-2, 033-56ACAD-3, 033-56ACAD-4, 033-56ACAD-5, 033-56ACAD-6, 033-56ACAD-7  
 033-56ACAD-8

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
DV001	39-0086831 39-0086832	NONE	1907	39-86831	SHOW LOW CREEK

Q U A N T I T I E S O F U S E

DIVERSION PWR NOS.	DIVERSION CAPACITY	DECREED RATE	MAXIMUM DEMAND RATE
DV001	1.1 CFS		1.3 CFS



FILINGS AND DECREES

FILINGS 39-86831, 39-86832 & 36-67708 CLAIM SEVERAL SPRINGS (PETERSON, LOG CABIN AND TREE) LOCATED ON ADJACENT FOREST SERVICE LAND (REFER TO W.F.R. #033-56-1) THAT SUPPLY FLOW TO PETERSON TANK THROUGH A NATURAL CHANNEL.

FILING 39-86831 CLAIMS IRRIGATION AND RECREATIONAL USES FROM SEVERAL SPRINGS. NO IRRIGATION WAS FOUND ON THIS PROPERTY. IRRIGATION WATER FROM PETERSON TANK IS DELIVERED THROUGH AN IRRIGATION DITCH TO PROPERTIES DOWNSTREAM, (REFER TO W.F.R. 033-56-7).

FILING 36-67708 CLAIMS DOMESTIC WATER USE FROM A SPRING. NO DOMESTIC USE WAS FOUND AT THE CLAIMED LOCATION.

DIVERSIONS

D1 - DIVERSION FROM PETERSON TANK INTO AN IRRIGATION DITCH.

USES AND RESERVOIRS

SR1 - SMALL RESERVOIR (PETERSON TANK) USED FOR IRRIGATION STORAGE, STOCKWATERING, WILDLIFE AND RECREATIONAL PURPOSES. PETERSON TANK IS LOCATED ON AN UNNAMED TRIBUTARY TO PORTER CREEK. DIVERSION D1 AND SMALL RESERVOIR SR1 ARE LOCATED WITHIN THE SHOW LOW CREEK DRAINAGE AREA.

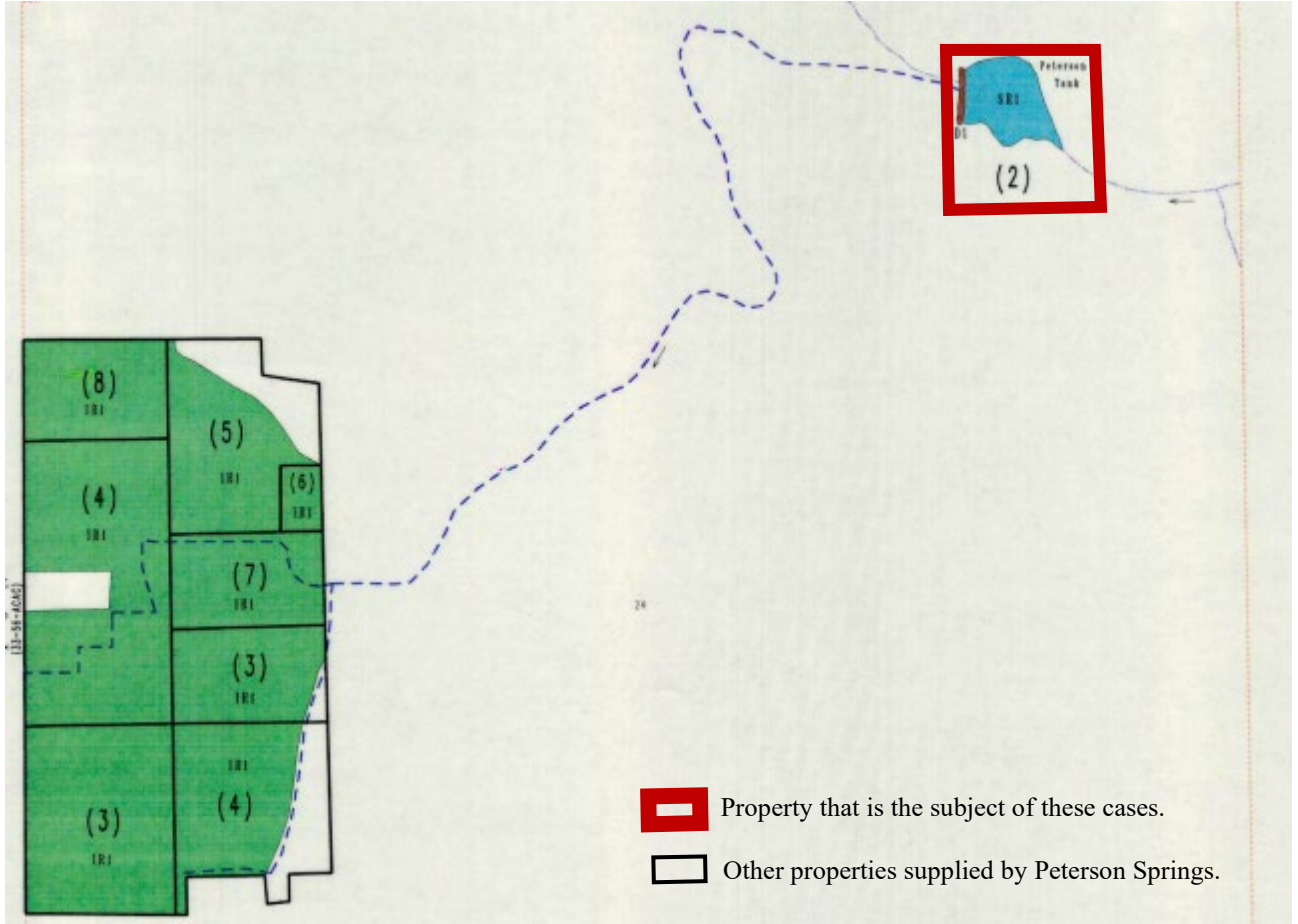
DIVERSIONS

D1/DV1 - DIVERSION FROM PETERSON TANK, LOCATED ON AN UNNAMED TRIBUTARY TO PORTER CREEK, INTO AN IRRIGATION DITCH. THE DIVERSION IS LOCATED WITHIN THE SHOW LOW CREEK DRAINAGE AREA.

ATTACHMENT C

WFR Map

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**ATTACHMENT D**  
**Assessor Map**



**ATTACHMENT E**

**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

Arizona State Land Department  
David F. Jacobs and Kevin Crestin  
Arizona Attorney General  
2005 North Central  
Phoenix, AZ 85004

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.

Freeport Minerals  
Sean Hood  
Fennemore Craig, P.C.  
2394 E Camelback Rd, St 600  
Phoenix, AZ 85016-3429

Joy Abrams  
2951 Blue Grass Ranch Drive  
Lakeside, AZ 85929

Joy Abrams  
9160 N. 64<sup>th</sup> Pl.  
Phoenix, AZ 85016

Arizona Adjudications Project  
University of Arizona College of Law  
1145 N. Mountain Ave.  
Tucson, AZ 85719



**ATTACHMENT F**



**Court Connect Hearing Notice for In re Kenneth L. and Joy Abrams and In re Jack G. and V. Scott Peterson**

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 Kenneth L. and Joy Abrams and In re Jack G. and V. Scott Peterson

**Contested Case Nos.** CV6417-33-6893 and CV6417-33-6735

**Start Date/Time:** Thursday, September 12, 2024, at 10:30 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](#)