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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 6417-033-6899

ORDER INITIATING CONTESTED CASE
AND SETTING STATUS CONFERENCE

CONTESTED CASE NAME: *In re Judy Peterson*
HSR INVOLVED: Silver Creek Hydrographic Survey.
DESCRIPTIVE SUMMARY: The Clerk of Apache County is directed to initiate CV 6417-033-6899. Status conference set for **January 26, 2024, at 10:00 a.m.**
DATE OF FILING: December 12, 2023

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 Heck of a Deal Wholesale Inc., Rick and Dana Heck and Aaron and Kristine Korges, Oscar Krum, Raymond and Kathleen Brown, and Craig and Rick Heck. The first step in this case is an initial conference with the Court, scheduled for **January 26, 2024, at 10:00 a.m.** to determine if the landowners are interested in pursuing potential water rights. Interested Parties **MUST** attend the scheduled initial conference if they plan to pursue potential water rights. Failure to appear at the initial conference could result in the

1 dismissal of the case and the loss of water rights associated with the property.

2 In this case, Jack G. Peterson filed Statement of Claimant (“SOC”) 39-86831 on June
3 27, 1985, to assert claims to use water on land that appears to include Navajo County tax
4 parcels 212-26-120F, H, D, E, J, and K.

5 The first step in this case will be an initial conference, where 1) current landowners
6 will state whether they intend to pursue rights to water and 2) ADWR will clarify the locations
7 and sizes of the three impoundments on the relevant parcels mentioned in SOC 39-86831.

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

11
12 **Details of the Case**

13 On June 27, 1985, Jack G. Peterson filed Statement of Claimant (“SOC”) 39-86831
14 with the following claims:

15

Quantity	Water Source	Water Use	Use Location
1400 acre-feet annually	Log Cabin, Tree, and Peterson springs	Irrigation	W1/2 Section 24, T9N, R22E

16
17
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19 The Arizona Department of Water Resources (“ADWR”) investigated the claims made
20 by Jack G. Peterson (“Claimant”) and prepared Watershed File Report No. 33-56-ACAD-008
21 (“WFR”), published in the Final Silver Creek Watershed Hydrographic Survey Report (1991)
22 (“Silver Creek HSR”). The WFR recorded that water was being used for irrigation purposes
23 within the northwest quarter of the northeast quarter of the northwest quarter of Section 24
24 Township 9N, Range 22E. A copy of the WFR is attached as Attachment B. A map that
25 includes the area of land that was investigated for the WFR, labeled as “(8)”, is attached as
26 Attachment C.

27 After ADWR issued the WFR, objections were filed to the findings made in the WFR
28 by the Salt River Project, the United States, Arizona State Land Department, the Navajo

1 Nation, the Hopi Tribe, and the San Juan Southern Paiute Tribe. The purpose of this case is
2 to consider the claims made for water rights in SOC 39-86831 and to resolve the objections
3 to the WFR.

4
5 **Claimant and Landowners**

6 The WFR lists Judy Peterson as the owner of the property described as located in the
7 southwest quarter of the northwest quarter of Section 24, Township 9N, Range 22E.
8 According to maps obtained from the Navajo County Assessor (“Assessor”), the land
9 investigated appears to comprise tax parcels 212-26-120F, H, D, E, J, and K. A copy of the
10 map prepared by the Assessor showing the relevant tax parcels is attached as Attachment D.

11 Documents obtained from the Navajo County Recorder indicate that parcels 409-13-
12 001L, 409-13-004B, and 409-13-005 belonged to Judy Peterson at the time of ADWR’s
13 investigation. Attachment E contains a description for each parcel of the relevant documents
14 obtained from the Navajo County Recorder.

15 The public records of the Arizona Department of Water Resources do not contain any
16 assignments of the SOC listed in the WFR, and the current landowners do not appear to have
17 filed an additional SOC.

18 To obtain water rights, property owners must file Statements of Claimant and present
19 to the Court evidence showing the existence of water rights, which may include the WFR.
20 Alternatively, the property owners may settle with objectors. If either the property owners
21 prove to the Court the existence of water rights on their properties or enter into a valid
22 settlement 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 this
26 case and the loss of any potential water rights associated with the property mentioned in this
27 order. If you have questions regarding this Order or any of the attachments, please contact
28 the General Stream Adjudication, Office of the Special Water Master, at (602) 372-4115.

1 Please note that staff can only answer administrative questions and cannot provide legal
2 advice.

3
4 **IT IS ORDERED:**

- 5 1. Case Initiation. This contested case shall be known as *In re Judy Peterson*, and it
6 will determine claims to appropriable water asserted in Statement of Claimant 39-
7 86831 and objections that were filed to Watershed File Report No. 33-56-ACAD-
8 008. Copies of objections can be found under the case name and number on the
9 following website:
10 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/
11 whatsNew.asp.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
- 12 2. Initial Conference. An initial conference shall be held on **January 26, 2024 at**
13 **10:00 a.m.** to determine whether current landowners intend to pursue claims for
14 water rights. The conference will be held using the Court Connect program.
15 Instructions for Court Connect are attached as Attachment G. If you receive this
16 Order by email, click on the red box “Join Court Connect Hearing” on the attached
17 instructions to make an appearance. If you do not receive this Order by email, log
18 into the Court Connect program on the internet by typing
19 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet,
20 you may attend telephonically using the telephone number and access code
21 included in the instructions for Court Connect.
- 22 3. Parties. The litigants in this contested case are the Claimant, the current landowners,
23 and all parties who filed objections to the Watershed File Report. The objectors in
24 this case are the Salt River Project, the United States, Arizona State Land
25 Department, the Navajo Nation, the Hopi Tribe, and the San Juan Southern Paiute
26 Tribe.
- 27 4. Objections. Copies of objections filed to WFR No. 33-56-ACAD-008 can be found
28 under the case number CV 6417-033-6899 on the following website:

1 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
2 [whatsNew.asp.](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)

3 5. Arizona Department of Water Resources. At the initial conference, ADWR will
4 clarify the locations and sizes of the impoundments referenced in Statement of
5 Claimant 39-86831.

6 6. Court-Approved Mailing List.

7 A. The initial Court-approved mailing list for this case shall include all persons
8 listed on Attachment F to this order. The list may be modified only by filing a
9 motion with the Special Master to amend the Court-approved mailing list.
10 Litigants are responsible for using the current Court-approved mailing list.

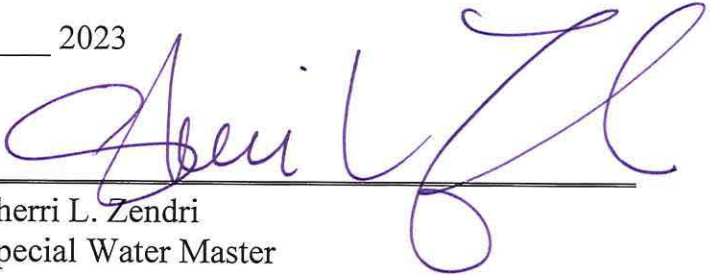
11 B. A copy of any pleading filed with the Clerk of the Apache County Superior
12 Court in this case shall be served upon each person listed on the Court-
13 approved mailing list.

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

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

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

22
23 Signed this 12 day of December 2023

24
25 
26 _____
27 Sherri L. Zendri
28 Special Water Master

1 On December 12, 2023, the original of the foregoing
2 was delivered to the Clerk of the Apache County Superior Court
3 for filing and distributing a copy to all persons listed on the
4 Court-approved mailing list for this contested case, a copy of
5 which is attached hereto as Attachment F.

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8 Emily Natale
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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

FILINGS AND DECREES

FILINGS 39-86831, 36-66709, 36-66710 & 36-66711 CLAIM SEVERAL SPRINGS (PETERSON, LOG CABIN AND TREE) ON FOREST SERVICE LAND (REFER TO W.F.R. #033-56-1) THAT SUPPLY FLOW THROUGH A NATURAL CHANNEL TO PETERSON TANK (REFER TO W.F.R. #'S 033-56-ACAD-2 & 033-56-7).

DIVERSIONS

D1 - DIVERSION FROM PETERSON TANK LOCATED ON AN UNNAMED TRIBUTARY TO PORTER CREEK, WITHIN THE SHOW LOW CREEK DRAINAGE AREA.

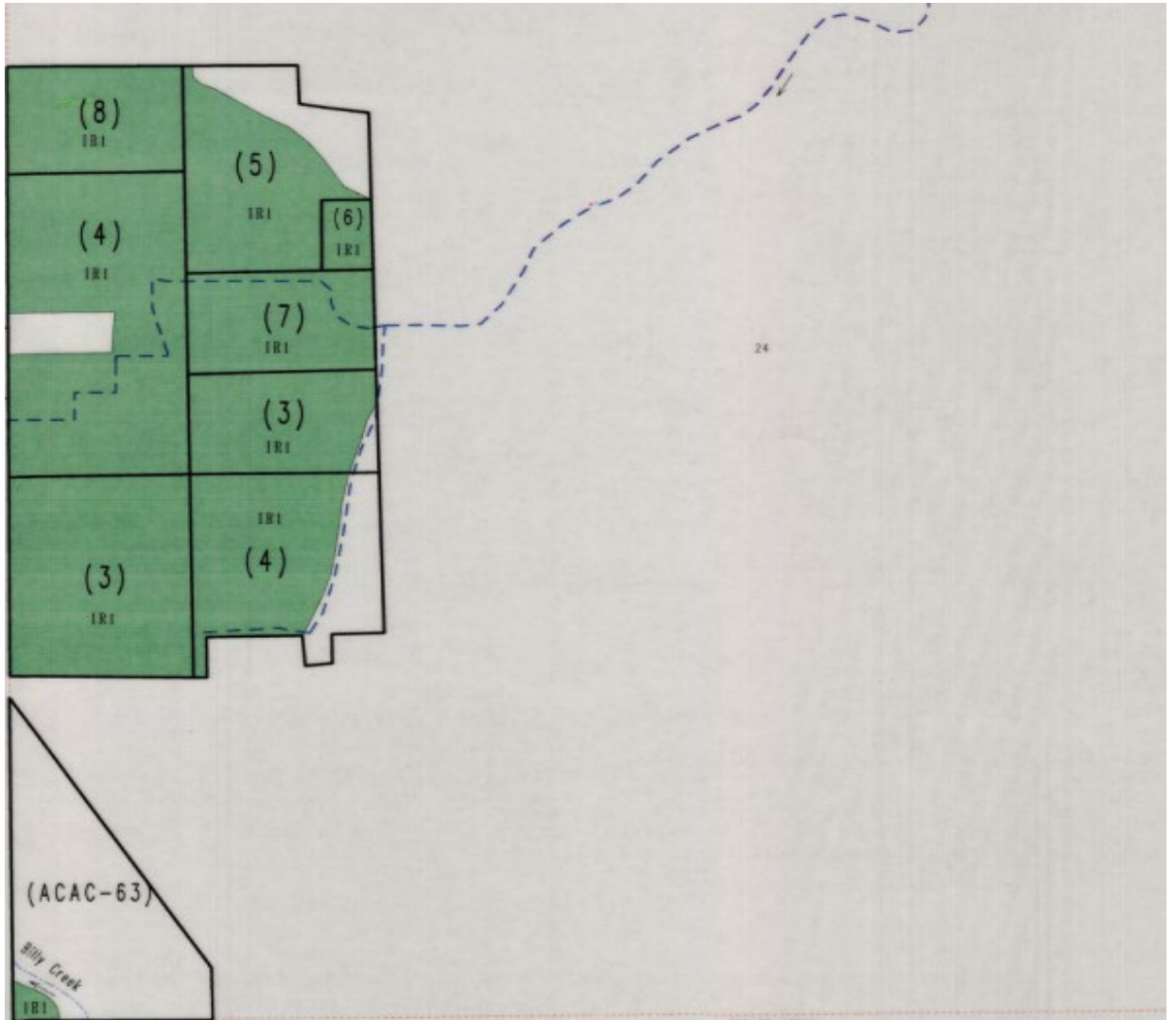
USES AND RESERVOIRS

IR1 - IRRIGATED PASTURE.

ATTACHMENT C

WFR Map

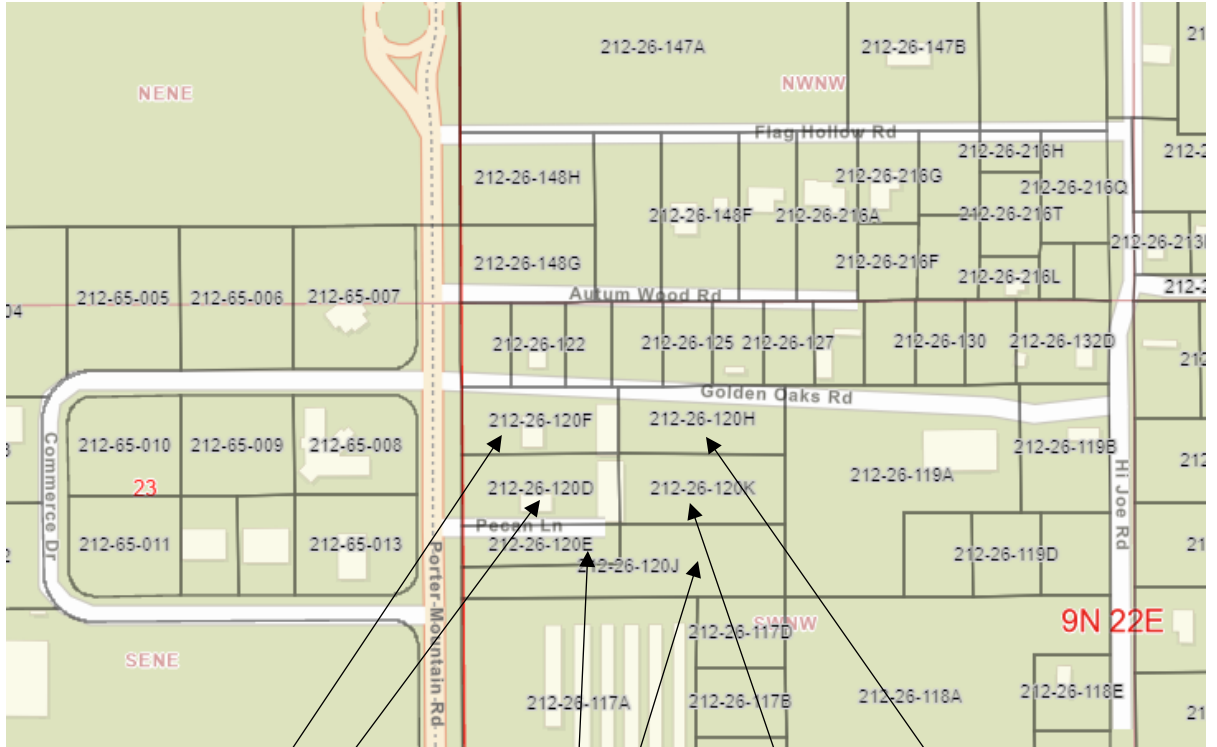
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ATTACHMENT D

Assessor Map

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Heck of a Deal
Wholesale Inc.

Rick and Dana Heck/Aaron and
Kristine Korges

Oscar Krum

Raymond and
Kathleen Brown

Craig and Rick
Heck

ATTACHMENT E

Summary of County Recorder Documents

Document No.	Transferor	Transferee
1992-09663	Judy Peterson	Donald and Doris DePugh
1996-16750	Donald and Doris DePugh	Zale & Associates LLC
2001-01372	Zale & Associates LLC	Tune and Lube Inc.

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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

Arizona State Land Department
Carrie Brennan and Kevin Crestin
Arizona Attorney General
Natural Resources Section
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
US Dept of Justice – ENRD
Natural Resources Section
PO Box 7611
Washington, DC 20044

Salt River Project
J. B. Weldon, M. A. McGinnis, M. K. Foy
Salmon, Lewis & Weldon
2850 E. Camelback Rd. Suite 200
Phoenix, AZ 85016

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 18th 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

Heck of a Deal Wholesale Inc.
PO Box 1127
Lakeside, AZ 85929-1127

Craig Heck
2701 Porter Mountain Rd
Lakeside, AZ 85929-6355

Dana & Rick Heck, Aaron & Kristine Korges
PO Box 1127
Lakeside, AZ 85929-1127

Oscar Krum
3126 N Porter Mtn Rd
Lakeside, AZ 85929

Raymond Jr & Kathleen S Brown
988 Navajo Trail
Show Low, AZ 85901-9178

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ATTACHMENT G



Court Connect Hearing Notice for In re Judy 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 Judy Peterson, Contested Case No. CV6417-33-6899

Start Date/Time: January 26, 2024 at 10:00 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](#)