

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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: **CV6417-33-6957**

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

CONTESTED CASE NAME: *In re Norma Larson Elliot*
HSR INVOLVED: Silver Creek Hydrographic Survey.
DESCRIPTIVE SUMMARY: The Clerk of Apache County Superior Court is directed to initiate CV 6417-33-6957. Initial conference set for **April 9, 2024, at 10:00 a.m.**
NUMBER OF PAGES: 14

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 Plano de Retiro LLC, Kirk and Kelly Guddendorf, Michael and Pamela Evans, Lynx 559 LLC, Lester G and Michelle A Gaines, Daughters of the Utah Pioneers, Michelle Farrall, Marcy Norris, and Thomas Farrall. The first step in this case is an

1 initial conference with the Court, scheduled for **April 9, 2024, at 10:00 a.m.** to determine if
2 landowners are interested in pursuing potential water rights. Interested Parties **MUST** attend the
3 scheduled initial conference if they plan to pursue potential water rights. Failure to appear at the
4 initial conference could result in the dismissal of the case and the loss of water rights associated
5 with the properties.

6 In this case, Norma Larson Elliot filed Statement of Claimant (“SOC”) 39-80638 on
7 March 4, 1982, to assert claims to use water on land in NESENE Section 27 Township 9 North,
8 Range 22 East.

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

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

14
15 **Details of the Case**

16 On June 22, 1982, Norma Larson Elliot filed Statement of Claimant (“SOC”) 39-80638.
17 The SOC contains the following claims:

Quantity	Water Source	Water Use
1/2 acre-foot annually (AFA)	Show Low Creek	Irrigation

21 The Arizona Department of Water Resources (“ADWR”) investigated the claim made by
22 Norma Larson (“Claimant”) and prepared Watershed File Report No. 33-56-ACC-001 (“WFR”),
23 published in the Final Silver Creek Watershed Hydrographic Survey Report (1991) (“Silver
24 Creek HSR”). The WFR recorded that water was being used for irrigation totaling less than two
25 acres associated with a domestic use, and that water was being stored for that purpose. ADWR
26 also mapped the area that investigated. A copy of the WFR is attached as Attachment B. A copy
27 of the map is attached as Attachment C.

1 After ADWR issued the WFR, objections were filed to the findings made in the WFR by
2 the Salt River Project and the United States. The Hopi Tribe, San Juan Southern Paiute Tribe,
3 and Navajo Nation joined in the United States' objections.
4

5 **Claimant and Landowners**

6 The WFR lists Norma Larson Elliot as the owner of the property investigated. According
7 to maps obtained from the Navajo County Assessor ("Assessor"), the land investigated appears
8 to comprise Navajo County tax parcels 21234013K, 21234013C, 21234013Q, 21234013R,
9 21234013F, 21234013P, 21234013N, 21234013A, 21234013H, and 21234013J.

10 A copy of the map obtained from the Assessor showing the relevant tax parcels and
11 current ownership is attached as Attachment D.

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

15 In order to obtain a water right, a property owner must file a Statement of Claimant and
16 present to the Court evidence of the existence of a water right on their property. This evidence
17 may include the WFR. If either the property owner proves to the Court the existence of water
18 rights on their property or enters into a valid settlement approved by the Court, the Court will
19 recognize enforceable water rights in a "Final Decree." Ariz. Rev. Stat. § 45-257(B).

20 This is an Order from the Court. All parties must comply with the following instructions.
21 The failure to obey this, or any, court order may result in the dismissal of this case and the loss
22 of any potential water rights associated with the properties mentioned in this Order. If you have
23 questions regarding this order or any of the attachments, please contact the General Stream
24 Adjudication, Office of the Special Water Master, at (602) 372-4115. Please note that staff can
25 only answer administrative questions and cannot provide legal advice.
26
27
28

1 **IT IS ORDERED:**

2 1. Case Initiation. This contested case shall be known as *In re Norma Larson*
3 *Elliot*, and it will resolve claims to appropriable water asserted in Statement of
4 Claimant 39-80638 and objections that were filed to Watershed File Report No. 33-
5 56-ACC-001.

6 2. Initial Conference. An initial conference shall be held on **April 9, 2024 at 10:00**
7 **a.m.** to determine whether current landowners intend to pursue claims for water
8 rights. The conference will be held using the Court Connect program. Instructions
9 for Court Connect are attached as Attachment F. If you receive this order by email,
10 click on the red box “Join Court Connect Hearing” on the attached instructions to
11 make an appearance. If you do not receive this order by email, log into the Court
12 Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If
13 you do not have access to the internet, you may attend telephonically using the
14 telephone number and access code included in the instructions for Court Connect.

15 3. Parties. The litigants in this contested case are the Claimant, the current
16 landowners, and any party who filed an objection to the Watershed File Report. The
17 objectors in this case are the Salt River Project, the United States, the San Juan
18 Southern Paiute Tribe, the Hopi Tribe, and the Navajo Nation.

19 4. Objections. Copies of the objections filed to WFR No. 33-56-ACC-001 can be found
20 under the case number CV 6417-33-6957 on the following website:
21 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)
22 [whatsNew.asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp).

23 5. Court-Approved Mailing List.

24 A. The initial Court-approved mailing list for this case shall include all
25 persons listed on Attachment E to this order. The list may be modified
26 only by filing a motion with the Special Master to amend the Court-
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

approved mailing list. Litigants are responsible for using the current Court-approved mailing list.

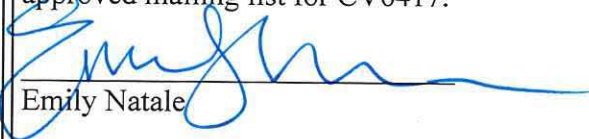
- B. A copy of any pleading filed with the Clerk of the Apache County Superior Court in this case shall be served upon each person listed on the Court-approved mailing list.
- C. Claimants wishing to be added or removed from the mailing list shall file a motion with the Special Master. Parties allowed 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.

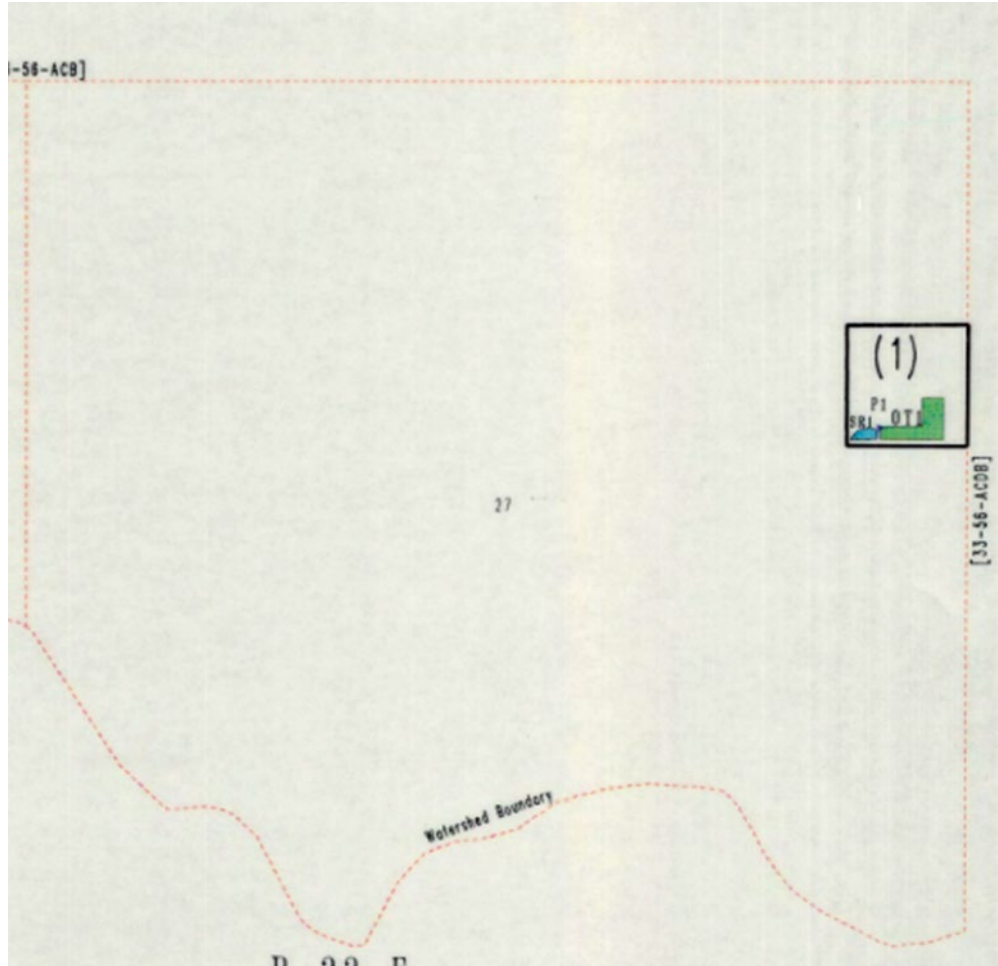
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTACHMENT B
Watershed File Report

ATTACHMENT C

WFR Map

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

	Parcel	Owner	Site Address	
	1	21234013K	Plano de Retiro LLC	3380 Ah Ho Pine Dr
	2	21234013C	Plano de Retiro LLC	3373 Heritage Ln
	3	21234013Q	Kirk and Kelly Guddendorf	3365 Heritage Ln
	4	21234013R	Michael and Pamela Evans	3311 Heritage Ln
	5	21234013F	Lynx 559 LLC	3270 Ah Ho Pine Dr
	6	21234013P	Michael and Pamela Evans	3281 Heritage Ln
	7	21234013N	Lester G and Michelle A Gaines	N/A
	8	21234013A	Daughters of the Utah Pioneers	N/A
	9	21234013H	Michelle Farrall, Marcy Norris	1100 Larson Rd
	10	21234013J	Michelle and Thomas Farrall	1066 Larson Rd

ATTACHMENT E

Initial Court-Approved Mailing List

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

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

4250 N. Drinkwater Blvd., 4th Floor
Scottsdale, AZ 85251

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

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

Plano De Retiro LLC
39583 N Rattlesnake Rd
San Tan Valley AZ 851407192

Kirk & Kelly R Guddendorf
3365 Heritage Ln
Lakeside AZ 859296846

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

Lynx 559 LLC
3007 E Caitlin Way
San Tan Valley AZ 851405446

Michael T & Pamela M Evans, Living Trust
8423 N Gaetano Loop
Tucson AZ 857428502

1 Lester G & Michelle A Gaines, Trustees
2 7927 W Taro Ln
3 Glendale AZ 853086177

4 Daughters Of the Utah Pioneers Inc.
5 Po Box 551
6 Lakeside AZ 85929

7 Michelle & Thomas Farrall
8 39604 N Rattlesnake Rd
9 San Tan Valley AZ 851408457

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTACHMENT F



Court Connect Hearing Notice for In re Norma Larson Elliot

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 Norma Larson Elliot

Contested Case No. CV6417-33-6957

Start Date/Time: April 9, 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](#)