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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

IN RE THE GENERAL  
ADJUDICATION OF ALL RIGHTS  
TO USE WATER IN THE GILA  
RIVER SYSTEM AND SOURCE

W-1, W-2, W-3, W-4 (Consolidated)

Contested Case No. **W1-11-0035**

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

CONTESTED CASE NAME: *In re Forest Service – Umpire Ranch Partnership*  
HSR INVOLVED: San Pedro Hydrographic Survey.  
DESCRIPTIVE SUMMARY: The Clerk of Maricopa County Superior Court is directed to initiate W1-11-0035. The Forest Service is ordered to notify current lessee(s) of this proceeding. Initial conference set for **July 24, 2024 at 10:30 a.m.**  
NUMBER OF PAGES: 12

**General Explanation**

This order opens a case to determine rights to use water on land in the Coronado National Forest.

The first step in this case is an initial conference with the Court, scheduled for **July 24, 2024, at 10:30 a.m.** to determine if landowners are interested in pursuing potential water rights. Interested Parties **MUST** attend the scheduled initial conference if they plan

1 to pursue potential water rights. Failure to appear at the initial conference could result in  
2 the dismissal of the case and the loss of water rights associated with the properties.

3 In this case, six (6) Statements of Claimant (“SOCs”), 39-2420, 39-2421, 39-2437,  
4 39-8050, 39-8103, and 39-8360 were filed by the United States Forest Service and  
5 Umpire Ranch Partnership to assert claims to use water on land in Sections 31, 32, and  
6 33 in Township 21S, Range 18E.

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

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

### 12 13 **Details of the Case**

14 The SOC's claimed rights to use surface water for stockpond and instream stock  
15 watering purposes.

16 The Arizona Department of Water Resources (“ADWR”) investigated the claims  
17 made by the Claimants and prepared Watershed File Report No. 111-19-020 (“WFR”),  
18 published in the Final San Pedro Watershed Hydrographic Survey Report (1991) (“San  
19 Pedro HSR”). The WFR recorded that surface water from the Babocomari River was  
20 being used for stockpond and instream stock watering purposes. A copy of the WFR is  
21 attached as Attachment B.

22 After ADWR issued the WFR, objections were filed to the findings made in the  
23 WFR by the United States, the Gila River Indian Community, San Carlos Apache Tribe,  
24 Tonto Apache Tribe, the Yavapai-Apache Nation of the Camp Verde Indian Reservation,  
25 and Salt River Project.

### 26 **Claimant and Landowners**

27 The WFR lists the U.S. Forest Service as the owner of the property investigated  
28 and Umpire Ranch Partnership as the lessee. According to information provided by

1 ADWR, the land investigated for WFR 111-19-020 appears to comprise portions of  
2 sections 29, 30, 31, 32, 33 of Township 21S, Range 18E.

3 A copy of a map, provided by ADWR, showing the boundaries of the investigation  
4 area is attached as Attachment C.

5 The public records of the Arizona Department of Water Resources do not contain  
6 any assignments of the SOC listed in the WFR, and landowners and lessees do not appear  
7 to have filed any SOCs since the filing of the San Pedro Hydrographic Survey Report.

8 To pursue water rights, a property owner must file a Statement of Claimant and  
9 present to the Court evidence of the existence of a water right on their property. This  
10 evidence may include the WFR. If either the property owner proves to the Court the  
11 existence of water rights on their property or enters into a valid settlement approved by  
12 the Court, the Court will recognize enforceable water rights in a “Final Decree.” Ariz.  
13 Rev. Stat. § 45-257(B).

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

21  
22 **IT IS ORDERED:**

- 23 1. Case Initiation. This contested case shall be known as *In re Forest*  
24 *Service – Umpire Ranch Partnership*, and it will resolve claims to  
25 appropriable water asserted in Statements of Claimant 39-2420, 39-2421, 39-  
26 2437, 39-8050, 39-8103, and 39-8360, as well as objections that were filed to  
27 Watershed File Report No. 111-18-004.  
28 2. Initial Conference. An initial conference shall be held on **July 24, 2024, at**

1           **10:30 a.m.** to determine whether current landowners intend to pursue claims  
2 for water rights. The conference will be held using the Court Connect program.  
3 Instructions for Court Connect are attached as Attachment E. If you receive  
4 this order by email, click on the red box “Join Court Connect Hearing” on the  
5 attached instructions to make an appearance. If you do not receive this order  
6 by email, log into the Court Connect program on the internet by typing  
7 <https://tinyurl.com/specialwatermaster>. If you do not have access to the  
8 internet, you may attend telephonically using the telephone number and access  
9 code included in the instructions for Court Connect.

10       3. Parties. The litigants in this contested case are the original claimants, the  
11 current landowners and lessees, and any party who filed an objection to the  
12 Watershed File Report. The Forest Service shall notify lessee(s) of this  
13 proceeding. The objectors in this case are the United States, the Gila River  
14 Indian Community, San Carlos Apache Tribe, Tonto Apache Tribe, the  
15 Yavapai-Apache Nation of the Camp Verde Indian Reservation, and Salt River  
16 Project.

17       4. Objections. Copies of the objections filed to WFR No. 111-19-020 can be  
18 found under the case number W1-11-0035 on the following website:  
19 [http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudi](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp)  
20 [cation/whatsNew.asp](http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp).

21       5. Court-Approved Mailing List.

22           A. The initial Court-approved mailing list for this case shall include all  
23 persons listed on Attachment D to this order. The list may be  
24 modified only by filing a motion with the Special Master to amend  
25 the Court-approved mailing list. Litigants are responsible for using  
26 the current Court-approved mailing list.

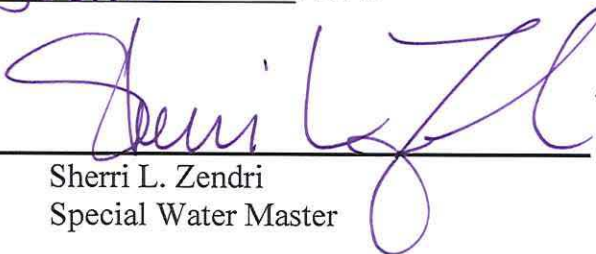
27           B. A copy of any pleading filed with the Clerk of the Maricopa County  
28 Superior Court in this case shall be served upon each person listed

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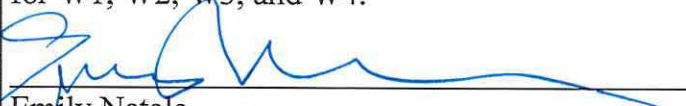
on the Court-approved mailing list.

- 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 12<sup>th</sup> day of June 2024.

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

On June 12, 2024, the original of the foregoing was delivered to the Clerk of the Maricopa 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, and to all persons listed on the Court-approved mailing list for W1, W2, W3, and W4.

  
 \_\_\_\_\_  
 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 Gila 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**

AS OF 11/05/91

LAND OWNER	WATERSHED FILE REPORT NUMBER	LESSEE/ALLOTTEE	LEASE-PERMIT ID
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FS - CORONADO	111-19-020	UMPIRE RANCH PARTNERSHIP	O'DONNELL #332
PHOTO ID - 4-7 (84)	QUAD 1 - O'DONNELL CANYON		

APPLICABLE FILINGS AND DECREES

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LOCATION SECTION	TWNP	RNGE	CLAIM DATE	DIVERSION SECTION	LOCATION TWNP	RNGE
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
36-0011137		STOCK REC/FISH/WLDF	.14 .06	NENW32	210S	180E	1880	NENW32	210S	180E
36-0024095		STOCK REC/FISH/WLDF	.70 .30	NENW33	210S	180E	1880	NENW33	210S	180E
36-0041755		STOCK		NENW33	210S	180E	1918	NENW33	210S	180E
36-0041756		STOCK		NENW32	210S	180E	1918	NENW32	210S	180E
36-0041757		STOCK		SENW31	210S	180E	1918	SENW31	210S	180E
36-0041758		STOCK		SESE31	210S	180E	1918	SESE31	210S	180E
36-0058922		STOCK	3.50	NENW33	210S	180E	1912	NENW33	210S	180E
36-0058923		STOCK	2.00	NENW32	210S	180E	1912	NENW32	210S	180E
38-0010931		STOCK REC/FISH/WLDF	.30	SENW31	210S	180E	1945	SENW31	210S	180E
39-0002420	QUE.RECD	STOCK	2.00	NENW32	210S	180E	1912	NENW32	210S	180E
39-0002421	QUE.RECD	STOCK	3.50	NENW33	210S	180E	1912	NENW33	210S	180E
39-0002437	QUE.RECD	STOCK	.80	SENW31	210S	180E	1946	SENW31	210S	180E
39-0008050		STOCK REC/FISH/WLDF	.70 .30	NENW33	210S	180E	1880	NENW33	210S	180E
39-0008103		STOCK REC/FISH/WLDF	.14 .06	NENW32	210S	180E	1880	NENW32	210S	180E
39-0008360		STOCK REC/FISH/WLDF	.61 .32	SENW31	210S	180E	1945	SENW31	210S	180E

DWR ANALYSIS OF FILINGS AND DECREES

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
-----	-----	-----	-----	-----
36-0011137	STOCK WILDLIFE	SPRING SPRING		SW001
36-0024095	STOCK WILDLIFE	STOCK INCIDENTAL		SW002
36-0041755	STOCK	STOCK		SW002
36-0041756	STOCK	SPRING		SW001
36-0041757	STOCK	STOCK		SP001
36-0041758	STOCK	NONE		
36-0058922	STOCK	STOCK		SW002
36-0058923	STOCK	SPRING		SW001
38-0010931	STOCK WILDLIFE	STOCK INCIDENTAL		SP001
39-0002420	STOCK	SPRING		SW001



DWR ANALYSIS OF FILINGS AND DECREES (CONTINUED) 111-19-020

FILING NUMBER	USES CLAIMED OR REFERENCED	USES FOUND BY DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0002421	STOCK	STOCK		SW002
39-0002437	STOCK	STOCK		SP001
39-0008050	STOCK WILDLIFE	STOCK INCIDENTAL		SW002
39-0008103	STOCK WILDLIFE	SPRING SPRING		SW001
39-0008360	STOCK WILDLIFE	STOCK INCIDENTAL		SP001

U S E S

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
SW001	SEENW32	210S	180E		SURFACE WATER		NO	FREEMAN SPRING
SW002	SWENW33	210S	180E		SURFACE WATER		NO	INSTREAM USE

R E S E R V O I R S

PWR #	SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	RESERVOIR NAME	STORAGE PURPOSE
SP001	SSENW31	210S	180E		SURFACE WATER	1973	WEST STOCK TANK	STOCKWATERING WILDLIFE

P W R S U M M A R Y

PWR #	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
SP001	39-0002437 39-0008360	36-0041757 38-0010931	1945 FILING 38-10931	SURFACE WATER: BABOCOMARI RIVER
SW001	39-0002420 39-0008103	36-0011137 36-0041756 36-0058923	1880 FILING 36-11137	SURFACE WATER: BABOCOMARI RIVER
SW002	39-0002421 39-0008050	36-0024095 36-0041755 36-0058922	1880 FILING 36-24095	SURFACE WATER: BABOCOMARI RIVER
NONE	NONE	36-0041758		

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

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
SP001	MAX. AREA/CAP	LT 2.0				LTE 15.0 AF	
SW001							SEE VOLUME 1 - GENERAL ASSESSMENT
SW002							SEE VOLUME 1 - GENERAL ASSESSMENT

E X P L A N A T I O N

FILINGS AND DECREES

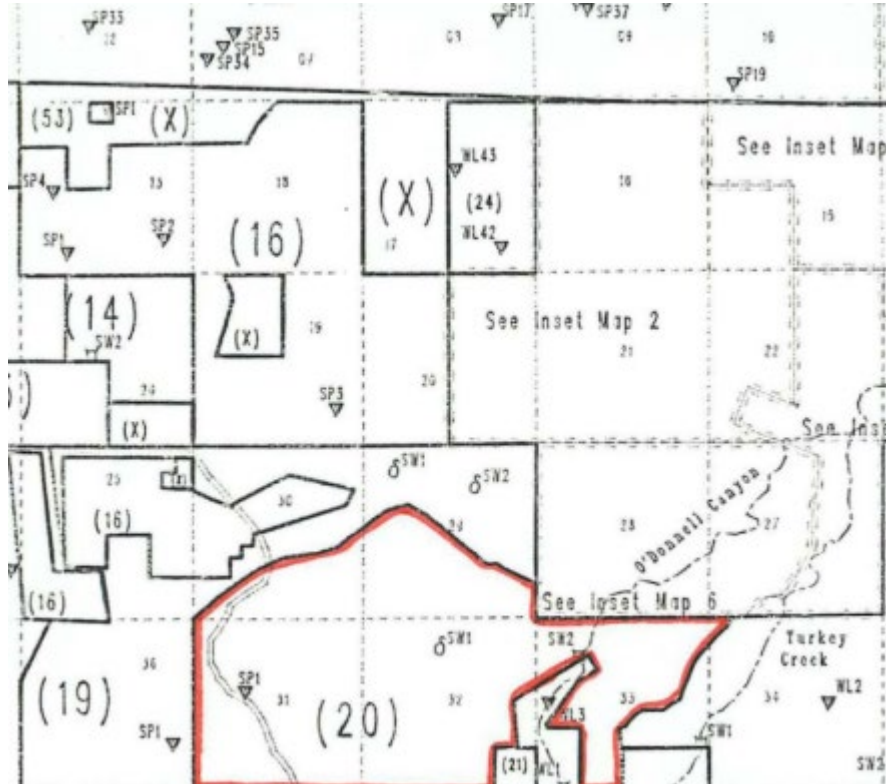
FILING 36-41757 - CLAIMS AN INSTREAM USE BEFORE CONSTRUCTION OF SP1.  
 FILING 36-41758 - CLAIMS A STOCKWATERING USE. NO STOCKWATERING USE WAS FOUND AT THE CLAIMED LOCATION.  
 FILINGS 39-2420, 39-2421 & 39-2437 - UNIFORM QUESTIONNAIRES WERE RECEIVED WHICH INDICATED A CHANGE IN THE LESSEE OF THE FOREST SERVICE ALLOTMENT.

USES AND RESERVOIRS

SP1 - WEST TANK STOCKPOND.  
 SW1 - INSTREAM STOCKWATERING AND WILDLIFE USES FROM O'DONNELL CANYON.  
 SW2 - INSTREAM STOCKWATERING AND WILDLIFE USES FROM THE BABOCOMARI RIVER.

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**ATTACHMENT C**  
**ADWR Parcel Map**



**ATTACHMENT D**

**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	Susan B. Montgomery, Robyn Interpreter, Montgomery & Interpreter PLC 3301 E Thunderbird Road Phoenix, AZ 85032
Clerk of the Superior Court Maricopa County Attn: Water Case 601 West Jackson St. Phoenix, AZ 85003	Gila River Indian Community Javier Ramos and Sunshine Manuel Office of the General Counsel P.O. Box 97 Sacaton, AZ 85147
Special Master Sherri Zendri Superior Court of Arizona 201 W. Jefferson Street Courtroom 301 Phoenix, AZ 85003	David F. Jacobs and Kevin P. Crestin Arizona Attorney General Natural Resources Section 2005 North Central Phoenix, AZ 85004
Laura Boyer & Maggie Woodward United States Dept. of Justice - ENRD P.O. Box 7611, Ben Franklin Station Washington, DC 20044	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
Alexander B. Ritchie San Carlos Apache Tribe Office of the Attorney General PO Box 40 San Carlos, AZ 85550	Umpire Ranch Partnership S.R. Box 311 Elgin, Arizona 85611
Joe P. Sparks and Laurel A. Hermann The Sparks Law Firm, P.C. 7503 First Street Scottsdale, AZ 85251-4573	Josh Edelstein Phoenix Field Solicitor Office of the Solicitor U.S. Department of the Interior Sandra Day O'Connor U.S. Courthouse 401 W. Washington St., Ste. 404, SPC 44 Phoenix, AZ 85003
Jeremiah Weiner, Kent Millward, Brett J. Stavin, and Lauren Mulhern Rosette, LLP. 120 S. Ash Avenue, Suite 201 Tempe, AZ 85281	

ATTACHMENT E



**Court Connect Hearing Notice for In re Forest Service – Umpire Ranch Partnership**

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 Forest Service – Umpire Ranch Partnership**

**Contested Case No. W1-11-0035**

**Start Date/Time: July 24, 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](#)