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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. W1-11-1350

ORDER DENYING REQUEST TO STAY  
CASE

CONTESTED CASE NAME: *In re Edgar and Lorraine Dinwiddie*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Request to stay case denied.

NUMBER OF PAGES: 11

DATE OF FILING: September 22, 2022

On September 16, 2022, Lupita Dinwiddie submitted a Motion to Stay Status Conference Due to Delay in Receiving Documents from the National Archives (“Motion”). Ms. Dinwiddie attached to the Motion a copy of a letter from the National Archives acknowledging her request for documents to establish prior use of water, which was submitted on September 14, 2022. A copy of the Motion is attached as Attachment A<sup>1</sup>. It appears from the Motion that a copy of the

<sup>1</sup> Copies of the Motions that are included with this Order do not include the attached mailing list.

1 Motion was sent to each of the parties, but there is no indication that the Motion was filed with  
2 the Clerk of the Court. Original pleadings must be filed with the Clerk of the Court. The  
3 address for the Clerk of the Court is included on the court-approved mailing list for this case.  
4 Any pleadings received in the future, for which an original pleading is not filed with the Clerk  
5 of the Court, shall be rejected.

6 Ms. Dinwiddie made her first appearance in this case on May 5, 2022, when she requested  
7 that this case be reinstated on the grounds that she had not received notice of the prior  
8 proceedings. Notice of the prior proceedings had been mailed to the last known address  
9 maintained by the Cochise County Treasurer for Keith Dinwiddie and Guadalupe Ramirez  
10 Durazo, the reported owners of tax parcel 104-41-001. The case was reinstated without  
11 objection, and a Status Conference was held on June 9, 2022. Ms. Dinwiddie appeared and stated  
12 that she would like to pursue claims for water rights for domestic and irrigation use.

13 The Arizona Department of Water Resources scheduled a meeting for July 25, 2022,  
14 which provided Ms. Dinwiddie and the objectors with the opportunity to meet and discuss the  
15 claims and the objections. *See* ADWR Meeting Report filed July 29, 2022. According to  
16 ADWR, Ms. Dinwiddie was not prepared to discuss the quantity of water claimed but stated that  
17 she would attempt to determine a quantity within the coming weeks. The Meeting Report also  
18 highlighted additional preliminary issues and included a request from the parties that a status  
19 conference be set in 60 days. On August 12, 2022, an Order was issued setting a status  
20 Conference for October 20, 2022, and identifying preliminary issues that would be addressed at  
21 the Status conference.

22  
23 The ADWR Meeting Report raised an issue about the ownership of the land. At the time  
24 the Order initiating this case was issued on May 11, 2021, the Cochise County Assessor reported  
25 that the owners of tax parcel 104-41-001 were Keith Dinwiddie and Guadalupe Ramirez Durazo.  
26 Subsequent to the July 25, 2022 meeting among the parties, Shelly Scriven filed a notice that she  
27 had been appointed as the personal representative of the Estate of Keith Dinwiddie. *See*  
28 Notification of Probate Representative of the Estate of Keith Dinwiddie, dated August 8, 2022.

1 On September 16, 2022, Ms. Dinwiddie filed an Objection to Potential Standing of Shelly  
2 Scriven. A copy of the Objection is attached as Attachment B. Thus, one issue that must be  
3 addressed in this case is whether a dispute exists in probate court as to the ownership of the land.  
4 If such a dispute exists, the dispute will not be resolved as part of this contested case, but a  
5 determination must be made as to whether a dispute about land ownership exists.


6 The ADWR Meeting Report also demonstrated that there is a lack of clarity about the  
7 location of the claimed water use. This case concerns water use on tax parcel 104-41-001, which  
8 according to the Cochise County Treasurer, consists of 319.66 acres. The ADWR Meeting  
9 Report states that Ms. Dinwiddie is claiming rights to water for 800 acres. The ADWR Meeting  
10 Report also stated that it is “unclear whether the previously identified wells are still operating or  
11 whether there are additional wells or diversions providing water for the property.” ADWR  
12 Meeting Report at 3. Thus, another purpose of the Status Conference is to determine whether  
13 Ms. Dinwiddie has clarified to the Objectors the claimed places of use, and the wells or other  
14 points of diversion of water. The August 12, 2022 Order Setting Status Conference also requires  
15 Ms. Dinwiddie to advise whether she has prepared and distributed to the Objectors a map of tax  
16 parcel 104-41-001 showing the irrigated fields, dwellings, and wells or other points of diversion.

17 Finally, the ADWR Meeting Report stated that Ms. Dinwiddie “is seeking a priority date  
18 between 1906 and 1912 and can provide the documentation to support that date.” ADWR  
19 Meeting Report at 3. In the Order setting the Status Conference, Ms. Dinwiddie was instructed  
20 to provide the Objectors with copies of those historical documents. Based on Ms. Dinwiddie’s  
21 Motion, she waited more than a month after the ADWR Meeting to request historical documents  
22 from the National Archives and then moved two days later to stay the proceedings in this case  
23 on the grounds of delay by the National Archives. Ms. Dinwiddie’s motion to stay the  
24 proceedings based on a delay by the National Archives that she filed immediately after requesting  
25 documents from the National Archives and more than a month before the Status Conference is  
26 set to be held is not a valid ground on which to stay the proceedings. In the absence of good  
27 cause shown,  
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**IT IS ORDERED** that Ms. Dinwiddie's Motion requesting a stay is denied.

**IT IS FURTHER ORDERED** that Ms. Dinwiddie's Objection to Potential Standing of Shelly Scriven will be considered at the Status Conference.

  
SUSAN WARD HARRIS  
Special Master

On September 22, 2022, 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.

  
Emily Natale

Court Approved Mailing List  
In re Edgar and Lorraine Dinwiddie, Contested Case No. W1-11-1350  
W1-11-1350 (13 Names)  
Prepared by the Special Master  
9/22/2022

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**ATTACHMENT A**

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SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

September 16, 2022

SPECIAL MASTER  
SUSAN WARD HARRIS

Lupita Dinwiddie  
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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 NAME: In re  
Edgar and Lorraine Dinwiddie

Contested Case No. W1-11-1350

MOTION

TO STAY  
STATUS  
CONFERENCE  
DUE TO DELAY  
IN RECEIVING  
DOCUMENTS  
FROM THE  
NATIONAL  
ARCHIVES

I, Lupita Dinwiddie requests a stay of proceedings pending a request of information from the National Archives . Lupita agrees to notify the court once they have been received to calendar the continuation of status conference received . Written and translated by my son Javier Hinojos

Yo, Lupita Dinwiddie estoy solicitando la suspensión de los procedimientos en espera de una solicitud de información de los Archivos Nacionales. Yo me comprometo a notificar al juzgado una vez recibidos informare con fecha de calendario la continuación de la conferencia de estado recibida.





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Dinwiddie 1000 Pan  
American Douglas, AZ  
85697 USA  
E-mail: lupita.dinwiddie65@gmail.com Fax:

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Sincerely,  
National Archives and Records Administration AI  
Forms Reference Section  
8601 Adelphi Rd College Park,  
MD 20783  
Phone:  
Email:

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**ATTACHMENT B**



SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

September 16, 2022

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SPECIAL WATER MASTER  
SUSAN WARD HARRIS

OBJECTION

TO POTENTIAL  
STANDING OF  
SHELLY  
SCRIVEN

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 NAME: In re  
Edgar and Lorraine Dinwiddie

Contested Case No. W1-11-1350

The title of subject property was Joint Tenancy with right of survivorship (JTWROS) which provides for automatic transfer of property into the surviving co-owner's name. therefore subject property does not fall under the of purview informal probate. Upon the death of Keith C Dinwiddie surviving spouse Lupita Dinwiddie transferred subject property into sole ownership. Therefore Lupita Dinwiddie opposes any legal standing of Shelly Scriven with respect to the consolidated adjudications being held at the offices of the special master. Written and translated by my son Javier Hinojos

El título de la propiedad en cuestión era Tenencia Conjunta con derecho de supervivencia que prevé la transferencia automática de la propiedad a nombre del copropietario sobreviviente. Por lo tanto, la propiedad en cuestión no cae dentro del ámbito de la sucesión informal. Sobre la muerte de Keith C Dinwiddie cónyuge sobreviviente Lupita Dinwiddie sujeto transferido propiedad en propiedad exclusiva. Por ello Lupita Dinwiddie se opone a cualquier legitimación de Shelly Scriven con respecto a las adjudicaciones consolidadas que se llevan a cabo en el oficinas del maestro especial. Escrito por Lupita Dinwiddie