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7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF APACHE**

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10 IN RE THE GENERAL
11 ADJUDICATION OF ALL RIGHTS
12 TO USE WATER IN THE LITTLE
13 COLORADO RIVER SYSTEM AND
14 SOURCE

CASE NO. CV 6417-33-5612
ORDER SETTING DEADLINES
AND
SCHEDULING STATUS CONFERENCE

15 CASE NAME: *In re Junior G. Williams et al.*

16 HSR INVOLVED: Silver Creek Hydrographic Survey

17 DESCRIPTIVE SUMMARY: This order schedules a status conference for **Thursday,**
18 **April 24, 2025, at 10:30 am. and** sets a deadline of **Friday, May 30, 2025,** for Ms.
19 Williams to file all remaining required documents.

20 NUMBER OF PAGES: 5

21 At the request of the Special Master, the Arizona Department of Water
22 Resources (“ADWR”) submitted a status report to the Court on September 3, 2024,
23 regarding the surface water filings completed for this contested case. ADWR reported
24 that on May 9, 2024, Ms. Donna Williams, the daughter of the currently recorded
25 landowner Junior Williams, submitted a new Claim of Water Right for a Stockpond and
26 Application for Certification. ADWR further reported that additional information
27 regarding ownership was necessary for ADWR to certificate the stockpond claim. On
28 November 7, 2024, a status conference for this contested case was held and Ms.

Williams was ordered to file a joint report with ADWR describing progress on updating ownership and statement of claimant (“SOC”) information. On February 10, 2025, ADWR filed that joint report.

Property Ownership

To obtain a water right for the stockpond, the claimants identified on the SOC must match the property owner information and the name on the basis of right.. All persons who are listed as owners of the property on the deed document that was provided to ADWR are deceased. Additionally, the listed applicants in the Claim Amendment for the stockpond are deceased. In Arizona, appropriable water rights are tied to land ownership and active beneficial use. There are no provisions to awarded water rights to deceased individuals. As stated in ADWR’s September 3, 2024, report, valid proof of current land ownership must be provided in order to certificate Claim No. 38-96665.0.

IT IS ORDERED that if Ms. Williams intends to pursue potential water rights for Middle Tank, she shall complete the following by **May 30, 2025**,

Provide ADWR with a recorded deed showing updated ownership of the specific legal location of Middle Tank and ensure the applicants’ names on the Claim Amendment match those on the deed

OR

Provide ADWR with documentation that owners not listed as applicants on the Claim Amendment have ceded their rights to use the property or water on the property.

IT IS FURTHER ORDERED that if Ms. Williams intends to pursue potential water rights for Middle Tank, she shall submit by **May 30, 2025**, a letter to ADWR approving or contesting the results in the April 28, 2022, Field Inspection Report. If Ms. Williams intends to change the legal location of Middle Tank from what is listed or

1 make any other changes to the application for Claim 38-96665.0, Ms. Williams shall
2 submit the changes on the *Amendment Statement of Claim of Right to Use Public*
3 *Waters of the State of Arizona*, available on ADWR's website at:
4 <https://www.azwater.gov/surface-water/surface-water-forms-anddocuments>.

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6 **IT IS FURTHER ORDERED** that if Ms. Williams intends to pursue potential
7 water rights for the Middle Tank, , Ms. Williams shall update SOC's 39-80958 and
8 39-80959 by **May 30, 2025** to reflect the property ownership and location as amended
9 above for the Stockpond Claim 38-96665.0.

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11 **SP2/Garden Pond**

12 In Watershed File Report ("WFR") 33-60-CBA-001, ADWR identified a second
13 stockpond, labeled as SP2, as a PWR associated with Parcel 208-03-004C that was
14 confirmed in ADWR's April 28, 2022, Field Inspection Report. Irrespective of the short
15 duration of storage, Arizona law requires that any storage of appropriable water must
16 comply with the requirements listed in Arizona Revised Statutes §§45-271 through 45-
17 276.

18
19 **IT IS ORDERED** that by **May 30, 2025**, the "Garden Pond" must be breached
20 so that it does not store appropriable water OR the pond must be appropriately
21 registered and certificated as follows:


- 22 • If SP2/Garden Pond was constructed prior to June 12, 1919, a Statement of
23 Claim of Right must be filed
- 24 • If SP2/Garden Pond was constructed after June 12, 1919, an Application for
25 Permit to Appropriate Public Water of the State of Arizona or to Construct
26 a Reservoir must be filed.

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28 **IT IS FURTHER ORDERED** scheduling a status conference for **Thursday**,

1 **April 24, 2025, at 10:30 a.m.,** for Ms. Williams to update the Court on progress and ask
2 any questions she may have regarding the requirements of this order.

3
4 The conference will be held using the Court Connect program. Updated
5 instructions for Court Connect are attached as Attachment A. If you receive this Order
6 by email, click on the red box "Join Court Connect Hearing" on the attached instructions
7 to make an appearance. If you do not receive this Order by email, log into the Court
8 Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If
9 you do not have access to the internet, you may attend telephonically using the telephone
10 number and access code included in the instructions for Court Connect.

11 Signed this 18th day of February 2025

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16 Sherri L. Zendri
Special Water Master

17 On February 18, 2025 the original of the
18 foregoing was delivered to the Clerk of the Apache County
19 Superior Court for filing and distributing a copy to all
20 persons listed on the Court-approved mailing list for this
contested case, a copy of which is attached.

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22 Emily Natale
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ATTACHMENT A



Court Connect Hearing Notice for In re Junior G. Williams et al.

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 Junior G. Williams et al., Contested Case No. CV6417-33-5612

Start Date/Time: Thursday, April 24, 2025, 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>