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6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
7 IN AND FOR THE COUNTY OF APACHE
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9 IN RE THE GENERAL
10 ADJUDICATION OF ALL RIGHTS
11 TO USE WATER IN THE LITTLE
12 COLORADO RIVER SYSTEM AND
13 SOURCE

CASE NO. CV 6417-33-5678

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**ORDER INITIATING WATER RIGHTS
CASE AND SETTING A DATE FOR AN
INITIAL CONFERENCE**

CONTESTED CASE NAME: *In re Louis A. Petersen*

HSR INVOLVED: Silver Creek Hydrographic Survey

DESCRIPTIVE SUMMARY: The Clerk of Apache County is directed to initiate Case CV6417-033-5678. Status conference set for **January 11, 2024, at 10:30am.**

NUMBER OF PAGES: 15

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 CJM Ranch Properties, Raymond and Laura Shumway, and Raymond and Carolyn Speakman. The first step in this case is an initial conference with the Court, scheduled for **January 11, 2024, at 10:30am.** to determine if 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 dismissal of the case and the loss of water rights associated with the property.

1 In this case, Louis A. and Lorene K. Petersen filed Statements of Claimant ("SOCs") 39-
2 88650, 39-88651, and 39-88652 on October 2, 1985, to assert claims to use water on land that
3 appears to include Navajo County tax parcels 409-13-001L, 409-13-004C, 409-13-004B, and
4 409-13-005. These parcels are currently owned by CJM Ranch Properties, Raymond and Laura
5 Shumway, and Raymond and Carolyn Speakman.

6 The first step in this case will be an initial conference to determine: 1) whether current
7 landowners intend to pursue rights to water and 2) the parcels of land that ADWR investigated in
8 creating the WFR for this case. At the conference, current landowners must be prepared to state
9 whether they intend to pursue water rights.

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

13 14 **Details of the Case**

15 On October 2, 1985, Louis A. and Lorene K. Petersen filed three Statements of Claimant
16 ("SOCs") with the following claims:

| SOC Number | Quantity | Water Source | Water Use | Use Location |
|------------|-----------------------------|---------------|---------------------------------------------|----------------|
| 39-88650 | 0.81 acre-feet per year | Surface Water | Irrigation, Domestic, Recreation | SW16 T10N R20E |
| 39-88651 | 0.038 acre-foot impoundment | Surface Water | Stockpond, Irrigation, Domestic, Recreation | SW16 T10N R20E |
| 39-88652 | 3.87 acre-feet per year | Surface Water | Irrigation, Domestic, Recreation | SW16 T10N R20E |

24 The Arizona Department of Water Resources ("ADWR") investigated the claims made by
25 Louis A. and Lorene K. Petersen ("Claimants") and prepared Watershed File Report No. 33-50-
26 DDC-001 ("WFR"), published in the Final Silver Creek Watershed Hydrographic Survey Report
27 (1991) ("Silver Creek HSR"). The WFR recorded that surface water was being used for domestic,
28 irrigation, stockpond, and small reservoir purposes within the area noted in the SOC's. A copy of

1 the WFR is attached as Attachment B. A map that includes the area of land that was investigated
2 for the WFR, labeled as “(1)”, is attached as Attachment C.

3 After ADWR issued the WFR, objections were filed to the findings made in the WFR by
4 the United States, the Salt River Project, the Navajo Nation, the Hopi Tribe, and the San Juan
5 Southern Paiute Tribe. The purpose of this case is to consider the claims made for water rights in
6 SOC 39-88650, 39-88651, and 39-88652 and to resolve the objections to the WFR.

7 8 **Claimant and Landowners**

9 The WFR lists Louis A. Peterson as the owner of the land investigated by ADWR.
10 According to maps obtained from the Navajo County Assessor (“Assessor”), the land investigated
11 appears to comprise tax parcels 409-13-001L, 409-13-004C, 409-13-004B, and 409-13-005.

12 Documents obtained from the Navajo County Recorder indicate that parcels 409-13-001L,
13 409-13-004B, and 409-13-005 belonged to Louis Peterson at the time of ADWR’s investigation,
14 but do not identify the owners of 409-13-004C at that time. As a result, at the initial conference,
15 the Court orders that ADWR confirm whether that parcel was investigated during the creation of
16 the WFR. Attachment D contains a description for each parcel of the relevant documents obtained
17 from the Navajo County Recorder.

18 The public records of the Arizona Department of Water Resources do not contain any
19 assignments of the SOC 39-88650, 39-88651, and 39-88652, and more recent SOC 39-88650, 39-88651,
20 and 39-88652 do not appear to have been
21 filed with respect to the land at issue. A copy of the map prepared by the Assessor showing the
relevant tax parcels is attached as Attachment E.

22 In order to obtain water rights, the property owners must file Statements of Claimant and
23 present to the Court evidence, which may include the WFR, showing the existence of water rights.
24 Alternatively, the property owners may settle with objectors. If either the property owners prove
25 to the Court the existence of water rights on their properties or enter into a valid settlement, the
26 court will recognize enforceable water rights in a “Final Decree.” Ariz. Rev. Stat. § 45-257(B).

27 This is an order from the court and all parties must comply with the following instructions.
28 The failure to obey this, or any, court order may result in the dismissal of this case and the loss of

1 any potential water rights associated with the property mentioned in this order. If you have
2 questions regarding this Order or any of the attachments, please contact the General Stream
3 Adjudication, Office of the Special Water Master, at (602) 372-4115. Please note that staff can
4 only answer administrative questions and cannot provide legal advice.

5
6 **IT IS ORDERED:**

- 7 1. Case Initiation. This contested case shall be known as *In re Louis A. Peterson*, and it
8 will determine claims to appropriable water asserted in Statements of Claimant 39-
9 88650, 39-88651, and 39-88652 and resolve any objections that were filed to
10 Watershed File Report No. 33-50-DDC-001.
- 11 2. Initial Conference. An initial conference shall be held on **January 11, 2024, at 10:00**
12 **am.** to determine whether 1) current landowners intend to pursue claims for water
13 rights and 2) whether ADWR investigated tax parcel 409-13-004C in its compilation
14 of WFR No. 33-50-DDC-001. The conference will be held using the Court Connect
15 program. Instructions for Court Connect are attached as Attachment A. If you receive
16 this 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 into
18 the Court Connect program on the internet by typing
19 <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you
20 may attend telephonically using the telephone number and access code included in the
21 instructions for Court Connect.
- 22 3. Arizona Department of Water Resources. At the initial conference, ADWR will
23 clarify whether any portion of tax parcels 409-13-004C were investigated for the
24 purpose of creating WFR 33-50-DDC-001.
- 25 4. Parties. The litigants in this contested case are the Claimant, the current landowners,
26 and all persons who filed objections to the Watershed File Report. The objectors in
27 this case are the Salt River Project, the United States, the Hopi Tribe, the Navajo
28 Nation, and the San Juan Southern Paiute Tribe.

1 5. Objections: Copies of objections filed to WFR No. 33-50-DDC-001 can be found
2 under the case number CV 6417-033-5678 on the following website:

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

5 6. Court-Approved Mailing List.

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

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

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

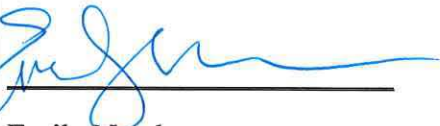
16 D. The Clerk of the Court will send copies of all minute entries and orders issued in
17 this case to the parties listed on the Court-approved mailing list.

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

21 Signed this 7 day of December 2023

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25 Sherri L. Zendri
26 Special Water Master
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1 On December 7, 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 Court-
4 approved mailing list for this contested case, a copy of which is
5 attached hereto as Attachment F.

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ATTACHMENT B

Watershed File Report

| | |
|--------------------|--------------------|
| LAND OWNER | WATERSHED FILE NO. |
| PETERSEN, A. LOUIS | 033-50-DDC-001 |

A P P L I C A B L E F I L I N G S A N D D E C R E E S

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 |
|---------------|---------------|---------------|-----------------|----------------------|------|-----------|------------|-------------------|---------------|------|
| 10-0091168 | | IRRIGATION | | | 17 | 100N 200E | < 1904 | | | |
| | | OTHER | | | 20 | 100N 200E | | | | |
| | | STOCKWATERING | | | | | | | | |
| | | DOMESTIC | | | | | | | | |
| 36-0037876 | | IRRIGATION | .66 | | | | 1897 | SWSW16 | 100N | 200E |
| | | DOMESTIC | | | | | | | | |
| | | STOCKWATERING | | | | | | | | |
| 36-0037877 | | IRRIGATION | 1.23 | | | | 1897 | SWSW16 | 100N | 200E |
| | | STOCKWATERING | | | | | | | | |
| 39-0088650 | | DOMESTIC | .81 | NWSWSW16 | 100N | 200E | 1900 | NWSWSW16 | 100N | 200E |
| | | IRRIGATION | | | | | | | | |
| 39-0088651 | | STOCKPOND | .03 | | | | 1983 | SWSWSW16 | 100N | 200E |
| 39-0088652 | | IRRIGATION | 3.87 | NWSWSW16 | 100N | 200E | 1900 | NWSWSW16 | 100N | 200E |
| | | STOCKPOND | .10 | | | | | | | |
| | | REC/FISH/WLDF | 4.68 | | | | | | | |

D W R A N A L Y S I S O F F I L I N G S A N D D E C R E E S

| FILING NUMBER | USES CLAIMED OR REFERENCED | USES FOUND BY DWR | APPLIES TO DIVERSIONS | APPLIES TO PWR NUMBERS |
|---------------|----------------------------|-------------------|-----------------------|------------------------|
| 10-0091168 | IRRIGATION | IRRIGATION | SO1, SO2 | IROO1, DMOO1 |
| | DOMESTIC | DOMESTIC | | |
| | STOCKWATERING | INCIDENTAL | | |
| | OTHER | INCIDENTAL | | |
| 36-0037876 | IRRIGATION | IRRIGATION | SO1 | OTOO1, DMOO1 |
| | DOMESTIC | DOMESTIC | | |
| | STOCKWATERING | INCIDENTAL | | |
| 36-0037877 | IRRIGATION | IRRIGATION | SO2 | OTOO1 |
| | DOMESTIC | DOMESTIC | | |
| | STOCKWATERING | INCIDENTAL | | |
| 39-0088650 | IRRIGATION | IRRIGATION | SO1, PO1 | OTOO1, DMOO1, SROO1 |
| | DOMESTIC | DOMESTIC | | |
| | STOCKWATERING | INCIDENTAL | | |
| | REC/FISH/WLDF | INCIDENTAL | | |
| 39-0088651 | IRRIGATION | IRRIGATION | SO1, SO2, PO1 | SROO1, OTOO1, DMOO1 |
| | DOMESTIC | DOMESTIC | | |
| | STOCKWATERING | INCIDENTAL | | |
| | REC/FISH/WLDF | INCIDENTAL | | |
| 39-0088652 | IRRIGATION | IRRIGATION | SO2 | OTOO1, SROO1 |
| | DOMESTIC | NONE | | |
| | STOCKWATERING | INCIDENTAL | | |
| | REC/FISH/WLDF | INCIDENTAL | | |

D I V E R S I O N S

| DIV # | LOCATION SECTION | TWNP | RNGE | DRAINAGE AREA/ WATER SOURCE NAME | DIVERSION NAME | REMARKS |
|-------|------------------|------|------|-------------------------------------|---------------------|---------|
| PO1 | NWSWSW16 | 100N | 200E | COTTONWOOD WASH | UNNAMED | |
| SO1 | NWSWSW16 | 100N | 200E | COTTONWOOD WASH | UPPER PETERSEN SPR. | |
| SO2 | NWSWSW16 | 100N | 200E | COTTONWOOD WASH | LOWER PETERSEN SPR. | |

U S E S

| PWR # | LOCATION SECTION | TWNP | RNGE | SUPPLIED BY DIVERSIONS | WATER SOURCE | PHOTO DATE | SOURCE CHANGE | FACILITY NAME |
|-------|------------------|------|------|---------------------------|-----------------|---------------|------------------|---------------|
| DMOO1 | SWSWSW16 | 100N | 200E | SO1 | SURFACE | | NO | |
| OTOO1 | SWSW16 | 100N | 200E | SO1, SO2, PO1 | SURFACE | 1935 | NO | |

| PWR # | LOCATION SECTION TWP RNGE | SUPPLIED BY DIVERSIONS | WATER SOURCE | PHOTO DATE | RESERVOIR NAME | STORAGE PURPOSE |
|-------|------------------------------|---------------------------|-----------------|---------------|----------------|-------------------------------------------------------|
| SPOO1 | NWSWSW16 100N 200E | | SURFACE | 1977 | PETERSEN TANK | STOCKWATERING |
| SROO1 | SWSWSW16 100N 200E | S01, S02 | SURFACE | 1986 | SMALL POND | IRRIGATION STOCKWATERING RECREATION WILDLIFE |

P W R S U M M A R Y

| PWR # | APPLICABLE ADJ FILINGS | APPLICABLE PRE FILINGS | ** APPARENT FIRST USE ** DATE | DATA SOURCE | DRAINAGE AREA/ WATER SOURCE NAME |
|-------|---------------------------|---------------------------|----------------------------------|---------------------|-------------------------------------|
| DMOO1 | 39-0088650 | 10-0091168 | | | COTTONWOOD WASH |
| | 39-0088651 | 36-0037876 | | | |
| OTOO1 | 39-0088650 | 10-0091168 | 1897 | 36-37876 & 36-37877 | COTTONWOOD WASH |
| | 39-0088651 | 36-0037876 | | | |
| | 39-0088652 | 36-0037877 | | | |
| SPOO1 | NONE | NONE | 1977 | 1977 AERIAL PHOTO | COTTONWOOD WASH |
| SROO1 | 39-0088650 | 10-0091168 | 1986 | 1986 AERIAL PHOTO | COTTONWOOD WASH |
| | 39-0088651 | 36-0037876 | | | |
| | 39-0088652 | 36-0037877 | | | |

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

| PWR # | QUANTIFICATION TYPE | APPLICABLE ACREAGE/SURFACE AREA (ACRES) | WATER DUTY | ESTIMATED VOLUME | REMARKS |
|-------|------------------------|-----------------------------------------------|---------------|---------------------|--------------|
| DMOO1 | | | | | SEE VOLUME 1 |
| OTOO1 | AVG. EFFICIENT | .7 | 5.5 AF/AC | 3.8 AFA | |
| SPOO1 | MAX. AREA/CAP | < 2.0 | | < OR = 15.0 AF | |
| SROO1 | MAX. AREA/CAP | < 2.0 | | < OR = 15.0 AF | |

E X P L A N A T I O N

FILINGS AND DECREES

FILING 10-09-1-168 IS A NOTICE OF WATER APPROPRIATION FILED BY JAMES PETERSON ON JULY 5, 1904 IN NAVAJO COUNTY CLAIMING THE WATERS OF MORTENSEN WASH FOR IRRIGATION, DOMESTIC, STOCK AND OTHER BENEFICIAL PURPOSES.

DIVERSIONS

P1 - PORTABLE PUMP DIVERTS WATER FROM SMALL RESERVOIR SR1 FOR IRRIGATION USE.
S1 - SPRING SUPPLIES WATER FOR DOMESTIC USE AND IRRIGATION STORAGE IN SMALL RESERVOIR SR1.
S2 - SPRING SUPPLIES WATER FOR IRRIGATION STORAGE IN SMALL RESERVOIR SR1.

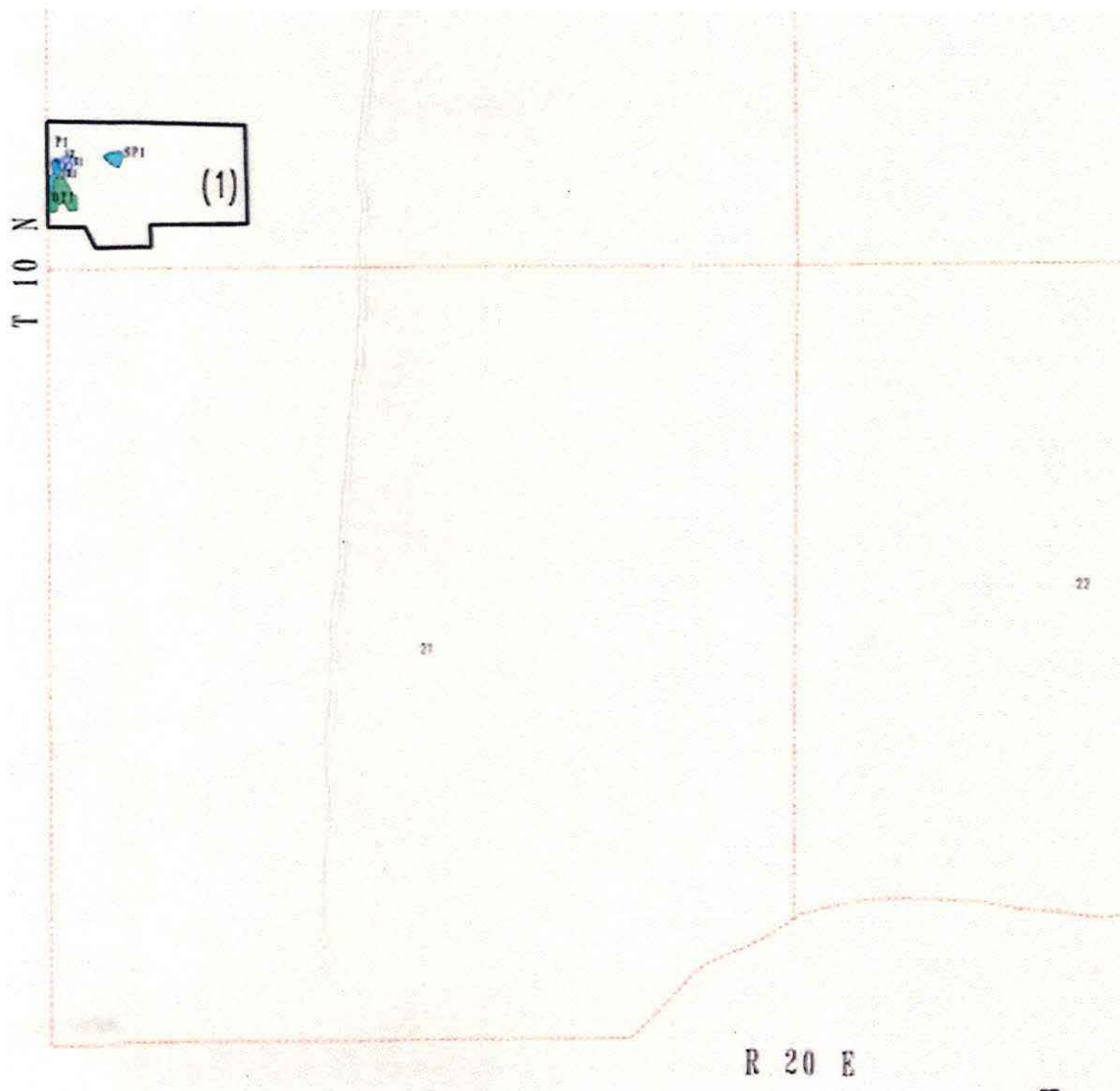
USES AND RESERVOIRS

OT1 - IRRIGATION OF ORCHARD AND GARDEN TOTALING LESS THAN TWO ACRES ASSOCIATED WITH A DOMESTIC USE.
SP1 & SR1 - STOCKPOND AND SMALL RESERVOIR LOCATED ON AN UNNAMED TRIBUTARIES TO BEAR CANYON.
ALL SURFACE WATER SOURCES AND USES ARE LOCATED WITHIN THE COTTONWOOD WASH DRAINAGE AREA.

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ATTACHMENT C

Map Accompanying Watershed File Report



ATTACHMENT D

Descriptions of Relevant Recorder Documents

Parcel 409-13-001L

| Document No. | Transferor | Transferee |
|---------------------|------------------------------|----------------------|
| 1995-13247 | Louis and Lorene Peterson | Eugene and Mary Webb |

409-13-004B

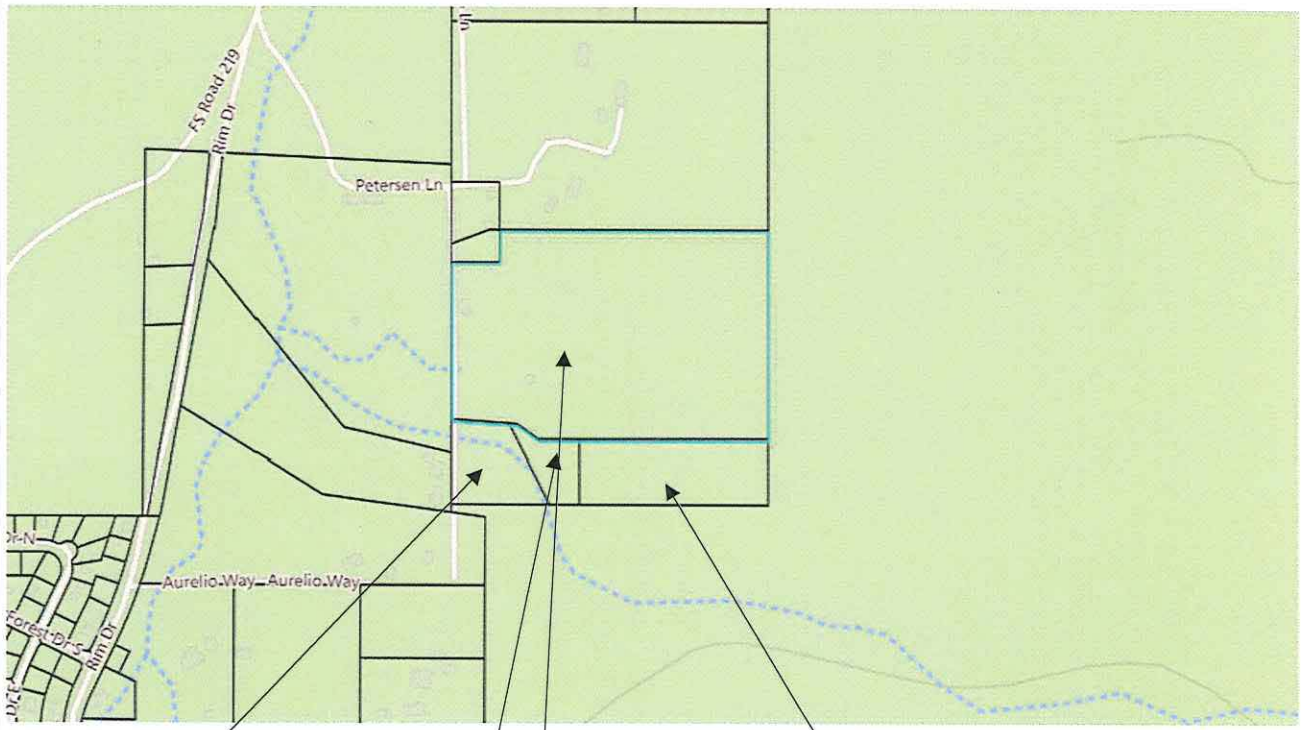
| Document No. | Transferor | Transferee |
|---------------------|------------------------------|----------------------------|
| 1992-10350 | Louis and Lorene Peterson | Herbert and Ina Hancock |

409-13-005

| Document No. | Transferor | Transferee |
|---------------------|------------------------------|-------------------|
| 1992-10351 | Louis and Lorene Peterson | Clara McMullin |

ATTACHMENT E

Map Obtained from Navajo County Assessor



Parcel 409-13-005
CJM Ranch Properties LLC
5608 Forest Service Rd 131
Show Low, AZ 85901

Parcels
409-13-004C
409-13-001L
Raymond and Laura Shumway
623 Petersen Lane
Show Low, AZ 85901

Parcel 409-13-004B
Raymond and Carolyn
Speakman
Show Low, AZ 85901

ATTACHMENT F

Initial Court-Approved Mailing List

Arizona Department of Water

Resources

Kimberly R. Parks and Karen J. Nielsen

1110 West Washington, Suite 310

Phoenix, AZ 85007

Clerk of the Superior Court

Apache County

P. O. Box 365

St Johns, AZ 85936

Special Master Sherri L. Zendri

Superior Court of Arizona

201 W. Jefferson Street

Courtroom 301

Phoenix, AZ 85003

Louis A. and Lorene K. Petersen

P.O. Box 19

Pinedale, AZ 85934

CJM Ranch Properties LLC

1439 E Mission Ln.

Phoenix, AZ 85020-2743

Raymond and Laura Shumway

895 S. Main St.

Snowflake, AZ

85937-5578

Raymond and Carolyn Speakman,

Trustees

1055 E 9th Dr.

Mesa, AZ 85204-4215

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.

Navajo Nation Department of Justice

Ethel Branch & G. Michelle Brown-

Yazzie

PO Drawer 2010

Window Rock, AZ 86515

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

U.S. Department of Justice

Vanessa Boyd Willard

999 18th Street, Suite 370

Denver, CO 80202

US Dept of Justice – ENRD

Mark J. Widerschein

Maggie Woodward

Natural Resources Section

PO Box 7611 Washington, DC 20044

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

ATTACHMENT G



Court Connect Hearing Notice for In re Louis A. Petersen

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 Louis A. Petersen, Contested Case No. CV6417-33-5678

Start Date/Time: January 11, 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](#)