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6 **ARIZONA GENERAL STREAM ADJUDICATION**
7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
8 **IN AND FOR THE COUNTY OF MARICOPA**

9 IN RE THE GENERAL
10 ADJUDICATION OF ALL RIGHTS
11 TO USE WATER IN THE GILA
12 RIVER SYSTEM AND SOURCE
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W-1, W-2, W-3, W-4 (Consolidated)

Contested Case No. **W1-11-1440**

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**ORDER INITIATING CONTESTED
CASE AND SCHEDULING INITIAL
CONFERENCE HEARING**

CONTESTED CASE NAME: *In re Ellen T. O'Hearn and James S. Coston*

HSR INVOLVED: San Pedro Hydrographic Survey.

DESCRIPTIVE SUMMARY: The Clerk of Maricopa County Superior Court is directed to initiate W1-11-1440. Parties who wish to pursue this case are ordered to attend an initial conference hearing scheduled for **Tuesday, April 29, 2025, at 11:00 am.**

NUMBER OF PAGES: 12

This order opens a case to determine legal rights to use water.

This case is NOT being initiated because of any improper water use.

Failure to participate may result in dismissal of water rights.

The State of Arizona is currently undergoing a General Stream Adjudication to determine water rights and create an accurate, enforceable record of those rights. In

1 Arizona, surface water, and water pumped from some wells,¹ belongs to the general
2 public. An enforceable right to use this “appropriable” water may be acquired after review
3 and approval by Arizona’s General Stream Adjudication Court. This Court has been
4 instructed to evaluate claims to use water in much of the state of Arizona and determine
5 the date of first use, amount, and type of water use. This process, the “general stream
6 adjudication,” is currently evaluating **COCHISE COUNTY PARCEL No. 208-10-014C**
7 for potential water rights to be included in the catalog of water rights for the Gila River
8 system.

9 This court order opens a case to determine rights to use water on the parcel listed
10 above, that the Cochise County Assessor has identified as owned by **Christopher A. Hill**.
11 Any current landowner who intends to pursue any potential water rights associated with
12 this case must attend the initial status conference scheduled **Tuesday, April 29, 2025, at**
13 **11:00 am**. Interested Parties **MUST** attend the scheduled initial conference if they plan to
14 pursue potential water rights. Failure to appear at the initial conference could result in the
15 dismissal of the case and the loss of water rights associated with the property. The
16 conference will be held virtually using the Court Connect program. Instructions for Court
17 Connect are attached as Attachment A.

18 19 **SUMMARY OF CASE**

20 Arizona Department of Water Resources (“ADWR”) records indicate that Lee E.
21 Taylor filed Statement of Claimant 39-6326 in 1980, claiming water for domestic,
22 irrigation, and stock watering uses. The filing of a Statement of Claimant declares an
23 individual’s intent to claim a water right and begins the process of pursuing that water
24 right with the Court.

25 ADWR investigated the claimed water use and issued Watershed File Report No.
26 112-16-019 in 1991. After the Watershed File Report was issued, the public was allowed
27

28 ¹ Arizona law includes wells that may be pumping surface water in the General Stream Adjudication and subject to all requirements for surface well use.

1 an opportunity to object to the findings in the report if they believed that there were errors
2 or insufficient documentation. This case will determine water rights existing on the
3 property associated with the relevant Watershed File Report and resolve the objections to
4 the Watershed File Report.

5 The Court recognizes that there has been a long delay between the filing of the
6 initial documents and the initiation of this case. Because of this delay, the property has
7 changed ownership. Nonetheless, the current landowner may still obtain water rights.
8 Below is a summary of the water use found on the property at the time of the Report:

9

Use	Associated SOC	Source	Place of Use
Domestic	39-6326	Groundwater	NENWNW28 Township 15S, Range 20E

10
11

12 ADWR public records do not contain any assignments of the Statements of
13 Claimant listed in the Watershed File Report nor do landowners appear to have filed any
14 additional Statements of Claimant since 1991.

15 If a property owner provides proof of the existence of a water right on their
16 property, the court can recognize an enforceable water right in a “Final Decree.” Ariz.
17 Rev. Stat. § 45-257(B). Landowners must present the following in order to acquire a water
18 right:

- 19 A. Earliest evidence of water use on their property.
- 20 B. An accurate Statement of Claimant in their name. The current landowner may
21 fulfill this requirement by either filing a new statement of claimant or
22 obtaining an assignment or amendment of a preexisting statement of claimant.
- 23 C. A basis of right accurately describing the claimed use, e.g. a statement of
24 claim, decree, stockpond registration, or water rights certificate.
- 25

26 **OBJECTING PARTIES**

27 Objectors to a potential water right must present the Court with a specific
28 statement objecting to specific potential water right attributes. Ariz. Rev. Stat. § 45-

1 256(B). The following entities have filed objections in this contested case: the Gila River
2 Indian Community, San Carlos Apache Tribe, Tonto Apache Tribe, the Yavapai-Apache
3 Nation, and the United States.

4 Copies of objections in this case can be found under the respective case name and
5 number on the following website:

6 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>
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9 **ATTACHMENTS TO THIS ORDER:**

10 Attachment A: Instructions on how to appear virtually or telephonically at the
11 **Tuesday, April 29, 2025, at 11:00 am** initial conference.

12 Attachment B: Additional information and resources on the process for determining
13 water rights in Arizona

14 Attachment C: Copy of WFR No. 112-14-DA-001.

15 Attachment D: ADWR map showing land investigated in WFR No. 112-14-DA-001.

16 Attachment E: Map showing the relevant tax parcels and current ownership.

17 Attachment F: Initial Court Approved Mailing List
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19 **IT IS ORDERED** initiating contested case W1-11-1440, *In re Ellen T. O'Hearn and*
20 *James S. Coston*, and scheduling an initial conference hearing for **Tuesday, April 29,**
21 **2025, at 11:00 am.** The initial Court-approved mailing list for this case shall include all
22 parties listed on Attachment F to this order. Any document filed in this case must be
23 served on all parties listed on the Court-Approved Mailing List. The list may be modified
24 only by Court order. Anyone who would like to receive courtesy copies of minute entries
25 and orders may request inclusion on an email list by sending a request to:

26 ***emily.natale@jbazmc.maricopa.gov.***
27

28 If parties have questions regarding this Order or any of the attachments, please

1 contact the Office of the Special Water Master, at (602) 372-4115. Please note that staff
2 can only answer administrative questions and cannot provide legal advice.

3
4 Signed this 26th day of March 2025.

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8 Sherri L. Zendri
9 Special Water Master
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12 On March 26, 2025, the original of
13 the foregoing was delivered to the Clerk of the
14 Maricopa County Superior Court for filing and
15 distributing a copy to all persons listed on the
16 Court-approved mailing list for this contested
17 case, a copy of which is attached, and to all persons
18 listed on the Court-approved mailing list for W1,
19 W2, W3, and W4.

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Emily Natale

ATTACHMENT A



Court Connect Hearing Notice for In re Ellen T. O'Hearn and James S. Coston

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 Ellen T. O'Hearn and James S. Coston

Contested Case No. W1-11-1440

Start Date/Time: Tuesday, April 29, 2025, at 11:00 am.

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](#)

ATTACHMENT B

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 (both surface and groundwater) 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 SOC contains, 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 SOC, the Arizona Department of Water Resources (“ADWR”) prepares a “Watershed File Report,” (“WFR”) in which ADWR investigates the claims in the SOC 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 C
Watershed File Report

AS OF 10/11/91

LAND OWNER	WATERSHED FILE REPORT NUMBER
O'HEARN, ELLEN T. COSTON, JAMES S.	U 112-14-DA-001

PHOTO ID - 18-4 (87)

QUAD 1 - GALLETA FLAT EAST

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 TWP RGE	CLAIM DATE	DIVERSION LOCATION SECTION TWP RGE
39-0006326		IRRIGATION	52.00	SWNW28 150S 200E	1980	SWSWNW28 150S 200E
		DOMESTIC	.45			
		STOCK	1.00			
		REC/FISH/WLDF	1.00			

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
39-0006326	IRRIGATION DOMESTIC STOCK RECREATION WILDLIFE	NONE DOMESTIC INCIDENTAL INCIDENTAL INCIDENTAL		DM001

U S E S

PWR #	LOCATION SECTION TWP RGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DM001	NENWNW28 150S 200E		GROUNDWATER : ZONE 1		NO	

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
DM001	39-0006326	NONE		GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

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
DM001							SEE VOLUME 1 - GENERAL ASSESSMENT

E X P L A N A T I O N

FILINGS AND DECREES

FILING 39-6326 - CLAIMS IRRIGATION, DOMESTIC, STOCKWATERING, RECREATION, AND WILDLIFE WATER USES. NO IRRIGATION WAS FOUND AT THE CLAIMED LOCATION.

USES AND RESERVOIRS

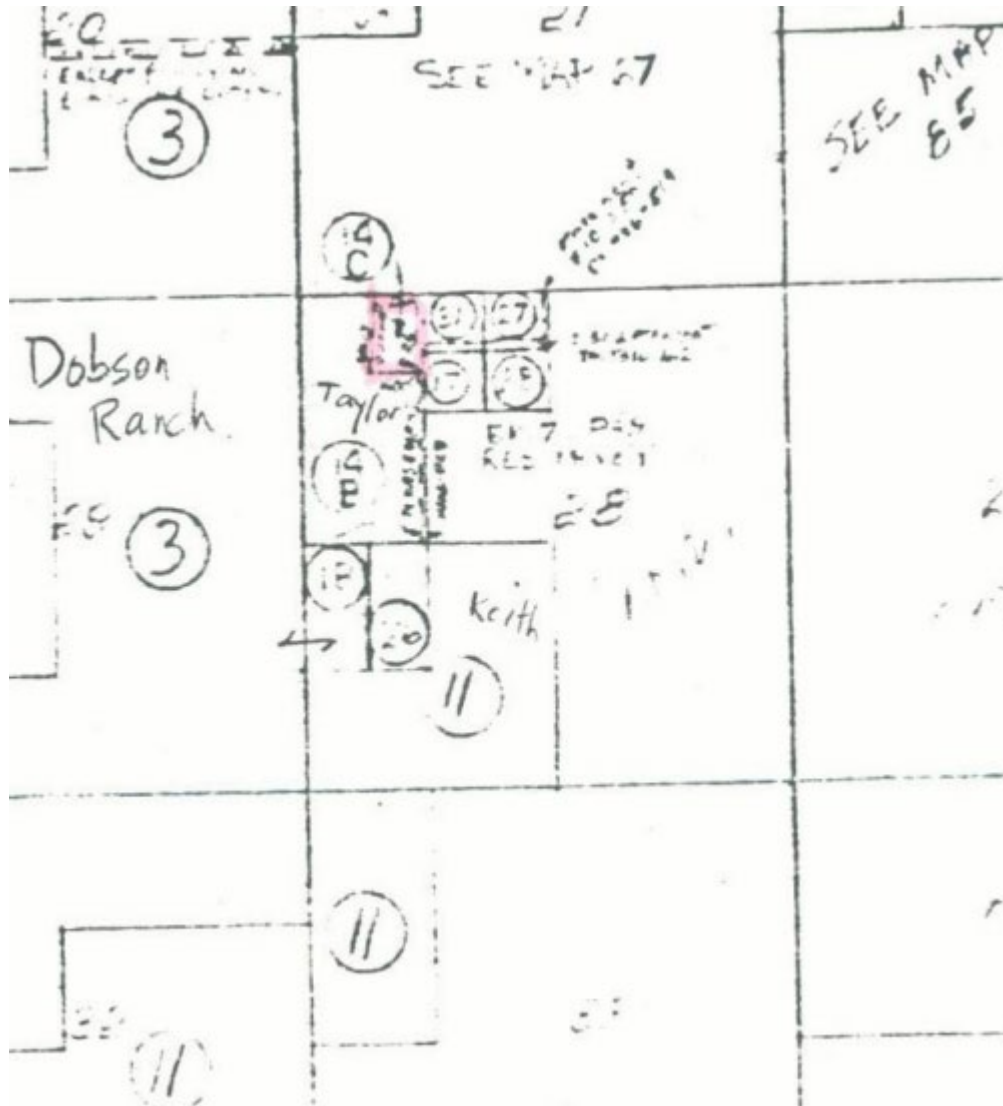
DM1 - DOMESTIC WATER USE INCLUDES STOCKWATERING, RECREATION, AND WILDLIFE USES.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

A COMMENT WAS RECEIVED FROM THE LAND OWNER WHICH VERIFIED LAND OWNERSHIP AND THE WATER SOURCE.

ATTACHMENT D

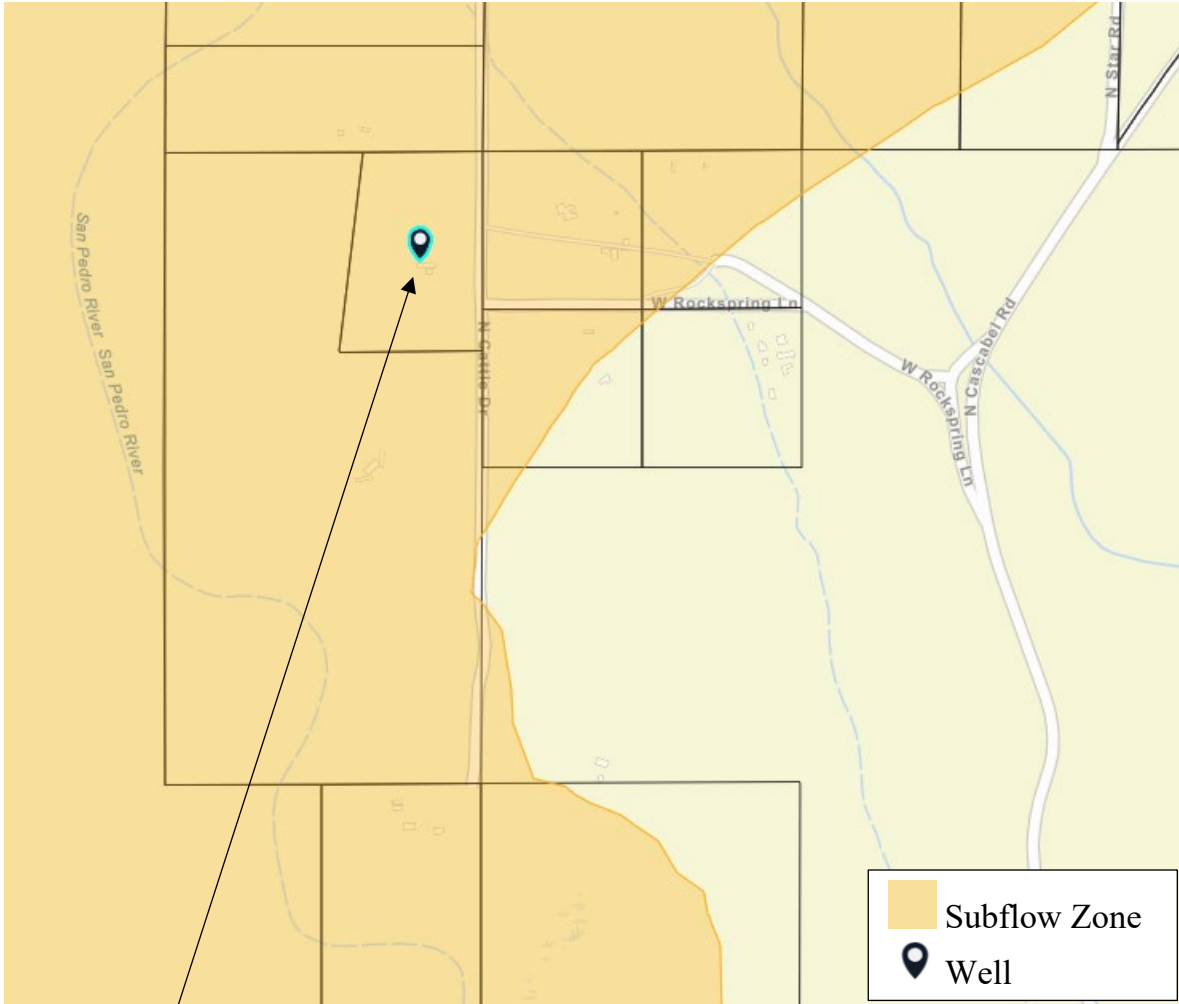
ADWR Map of Area Investigated



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ATTACHMENT E

Cochise County Assessor and Subflow Zone Map



208-10-014C
Christopher A. Hill

ATTACHMENT F

Initial Court-Approved Mailing List

Arizona Department of Water Resources

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Jay Lee
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Maricopa County
Attn: Water Case
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Phoenix, AZ 85003

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Montgomery & Interpreter PLC
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Phoenix, AZ 85032

Special Master Sherri Zendri
Superior Court of Arizona
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Courtroom 301
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