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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

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

Contested Case No. **W1-11-1896**

11 **ORDER INITIATING CONTESTED**  
12 **CASE AND SCHEDULING INITIAL**  
13 **CONFERENCE HEARING**

14 **CONTESTED CASE NAME:** *In re Sandra B. and Charles E. Beeler*

15 **HSR INVOLVED:** San Pedro Hydrographic Survey.

16 **DESCRIPTIVE SUMMARY:** The Clerk of Maricopa County Superior Court is directed  
17 to initiate W1-11-1896. Parties who wish to pursue this case are ordered to attend an initial  
conference hearing scheduled for **Tuesday, January 7, 2025, at 11:00 am**

18 **NUMBER OF PAGES:** 14

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

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

21 **Failure to participate may result in dismissal of potential water rights.**

22  
23 The state of Arizona is currently undergoing a General Stream Adjudication to  
24 determine water use and create an accurate, enforceable record of those rights. In Arizona,  
25 surface water, and water pumped from some wells,<sup>1</sup> belongs to the general public. An  
26 enforceable right to use this “appropriable” water may be acquired after review and  
27

28 <sup>1</sup> 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 approval by Arizona’s General Stream Adjudication Court. This Court has been  
2 instructed to evaluate claims to use water in much of the state of Arizona and determine  
3 the date of first use, amount, and type of potential water use. This process, the “general  
4 stream adjudication,” is currently evaluating **COCHISE COUNTY PARCEL No. 208-**  
5 **61-008A** for potential water rights to be included in the catalog of water rights for the Gila  
6 River system.

7 This court order opens a case to determine rights to use water on the parcel listed  
8 above, that the Cochise County Assessor has identified as owned by **SONIA G. AND**  
9 **RAYMOND A. PRECIADO**. Current landowners who intend to pursue any potential  
10 water rights associated with this case must attend the initial status conference scheduled  
11 for **Tuesday, January 7, 2025, at 11:00 am**. Interested Parties **MUST** attend the  
12 scheduled initial conference if they plan to pursue potential water rights. Failure to appear  
13 at the initial conference could result in the dismissal of the case and the loss of water rights  
14 associated with the property. The conference will be held virtually using the Court  
15 Connect program. Instructions for Court Connect are attached as Attachment A.

#### 16 17 **CURRENT LANDOWNERS**

18 **SONIA G. AND RAYMOND A. PRECIADO** are the current landowners of  
19 **COCHISE COUNTY PARCEL No. 208-61-008A**, which was previously owned by  
20 Charles E. and Sandra B. Wheeler.

21 Arizona Department of Water Resources (“ADWR”) records indicate that Charles  
22 E. and Sandra B. Beeler filed Statements of Claimant 39-5815 in June 1980, claiming  
23 water for irrigation, domestic use, and stock and wildlife watering dating to April 1935.  
24 The filing of a Statement of Claimant declares an individual’s intent to claim a water right  
25 and begins the process of pursuing that water right with the Court.

26 ADWR investigated this potential water use and issued Watershed File Report No.  
27 112-17-BAB-008. After the Watershed File Report was issued, the public was allowed an  
28 opportunity to object to the findings in the report if they believed there were errors or

insufficient documentation. This case will determine water rights existing on the property associated with the relevant Watershed File Report and resolve the objections to the Watershed File Report.

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

<b>Watershed File Report - #112-17-BAB-008</b>			
<b>Statement of Claimant #</b>	39-5815		
<b>Claimant Name</b>	Charles E. and Sandra B. Beeler		
<b>Cochise Co. Tax Parcel</b>	208-61-008A		
<b>Existing Claims</b>	25 acre-feet annually for irrigation	4 acre-feet annually for domestic use	0.5 acre-feet annually for stock watering and wildlife
<b>Water use found during ADWR investigation</b>	31.2–41.6 acre-feet annually	Not reported	None
<b>Basis of Right</b>	None	None	None

ADWR public records do not contain any assignments of the Statements of Claimant listed in the Watershed File Report nor do the current landowners appear to have filed any additional Statements of Claimant since the issuance of the HSR. Arizona law requires that for parties to obtain a legal water right, they must provide proof of their right by presenting to the Court an updated and accurate Statement of Claimant claiming a water right paired with the appropriate basis of right, e.g. a statement of claim, decree, stockpond registration, or water rights certificate. According to the Watershed File Report, the following information will be needed to acquire a water right on this property:

- A. Earliest evidence of water use on the property.
- B. An accurate Statement of Claimant in the name of the current landowner. The current landowner may fulfill this requirement by either filing a new statement of claimant or obtaining an assignment or amendment of a preexisting statement

of claimant.

C. A basis of right in the name of the current landowner (unless the basis is a prior judicial decree) and accurately describing the claimed use. The current landowner may fulfill this requirement by either filing a new basis of right or obtaining an assignment or amendment of a preexisting basis of right.

If the property owner is able to provide this proof to the Court to show the existence of a water right on their property, the court can recognize an enforceable water right in a “Final Decree.” Ariz. Rev. Stat. § 45-257(B). Alternatively, landowners may enter into Court approved settlements with the objecting parties.

## OBJECTING PARTIES

Objectors to a potential water right must present the Court with a specific statement objecting to a specific potential water right attribute. Ariz. Rev. Stat. § 45-256(B). Where an objection does not meet this requirement, the objecting party shall provide a detailed explanation of their objection during the initial conference hearing. The following have filed objections in this contested case:

Objector(s)	Summary of Objections
Salt River Project	<ul style="list-style-type: none"><li>ADWR’s “maximum observed” and “regional” methods for estimating irrigation water use should be rejected entirely. The “maximum potential” method should be corrected.</li><li>ADWR failed to include a water use rate.</li></ul>
Gila River Indian Community, San Carlos Apache Tribe, Yavapai-Apache Nation (collectively “the Tribes”)	<ul style="list-style-type: none"><li>The water used is subject to federal and Indian claims</li><li>The WFR does not show a well registration filing.</li><li>ADWR failed to include a water use rate.</li></ul>
United States, joined by the Tribes	<ul style="list-style-type: none"><li>The WFR does not show a basis of right.</li><li>The water used is subject to federal and Indian claims</li><li>The point of diversion is inconsistent with the Statement of Claimant.</li></ul>

	<ul style="list-style-type: none"> <li>ADWR’s “maximum observed” and “regional” methods for estimating irrigation water use should be rejected.</li> </ul>
Magma Copper Co. (currently BHP Copper) and ASARCO Inc.	<ul style="list-style-type: none"> <li>The objectors assert that groundwater is not subject to the Adjudication.</li> <li>To the extent that groundwater use is subject to the Adjudication, ASARCO and Magma objected to use of water without an appropriative right or use in conflict with their rights.</li> </ul>

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

<http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>

#### **ATTACHMENTS TO THIS ORDER:**

Attachment A: Instructions on how to appear virtually or telephonically at the **Tuesday, January 7, 2025, at 11:00 am** initial conference.

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

Attachment C: Copy of WFR No. 112-17-BAB-008.

Attachment D: ADWR map showing land investigated in WFR No. 112-17-BAB-008.

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

Attachment F: Initial Court Approved Mailing List

**IT IS ORDERED** initiating contested case W1-11-1896, In re Sandra B. and Charles E. Beeler and scheduling an initial conference hearing for **Tuesday, January 7, 2025, at 11:00 am**. The initial Court-approved mailing list for this case shall include all parties listed on Attachment E to this order. Any document filed in this case must be served on all parties listed on the Court-Approved Mailing List. The list may be modified only by Court order. Anyone who would like to receive courtesy copies of minute entries and

1 orders may request inclusion on an email list by sending a request to:

2 *emily.natale@jbazmc.maricopa.gov.*

3 If parties have questions regarding this Order or any of the attachments, please  
4 contact the General Stream Adjudication, Office of the Special Water Master, at (602)  
5 372-4115. Please note that staff can only answer administrative questions and cannot  
6 provide legal advice.

7 Signed this 21<sup>st</sup> day of November 2024.

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Sherri L. Zendri  
Special Water Master

On November 21, 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



### **Court Connect Hearing Notice for In re Charles E. and Sandra B. Beeler**

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 Charles E. and Sandra B. Beeler**

**Contested Case No. W1-11-1896**

**Start Date/Time: Tuesday, January 7, 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**

LAND OWNER	WATERSHED FILE
-----	REPORT NUMBER
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BEELER, CHARLES E.	112-17-BAB-008
& SANDRA B.	

## 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 LOCATION SECTION	TWNP	RNGE
39-0005815		IRRIGATION	25.00	NESE28	16OS	200E	1935	SWNESE28	16OS	200E
		DOMESTIC	4.00							
		STOCK	.50							
		REC/FISH/WLDF	.50							

## 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
39-0005815	IRRIGATION	IRRIGATION	WO1	DMOO1, IROO1
	DOMESTIC	DOMESTIC		
	STOCK	INCIDENTAL		
	WILDLIFE	INCIDENTAL		

## D I V E R S I O N S

DIV #	LOCATION SECTION	TWNP	RNGE	DIVERSION NAME	WATER SOURCE AND CLASSIFICATION
WO1	SWNESE28	16OS	200E	UNNAMED	GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER

## U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO SOURCE DATE	SOURCE CHANGE	FACILITY NAME
DMOO1	SWNESE28	16OS	200E	WO1	GROUNDWATER : ZONE 1		NO	
IROO1	NESE28	16OS	200E	WO1	GROUNDWATER : ZONE 1	1979	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
DMOO1	39-0005815	NONE			GROUNDWATER : ZONE 1 OF THE SAN PEDRO RIVER
IROO1	39-0005815	NONE	1979 1979	AERIAL PHOTO	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
DMOO1							SEE VOLUME 1 - GENERAL ASSESSMENT
IROO1	MAX. OBSERVED	4.0	TURF	32%	7.8 AF/AC	31.2 AFA	
	REGIONAL	4.0	AVE. CROP	50%	5.4 AF/AC	21.6 AFA	
	MAX. POTENTIAL	4.0	ALFALFA	32%	10.4 AF/AC	41.6 AFA	

## E X P L A N A T I O N

## DIVERSIONS

W1 - WELL PROVIDES WATER FOR IRRIGATION, DOMESTIC, STOCKWATERING, AND WILDLIFE USES.

USES AND RESERVOIRS  
DM1 - DOMESTIC USE.

FILE 112-17-BAB-008 (CONTINUED)  
E X P L A N A T I O N (CONTINUED)

CONTINUATION OF PAGE: 24

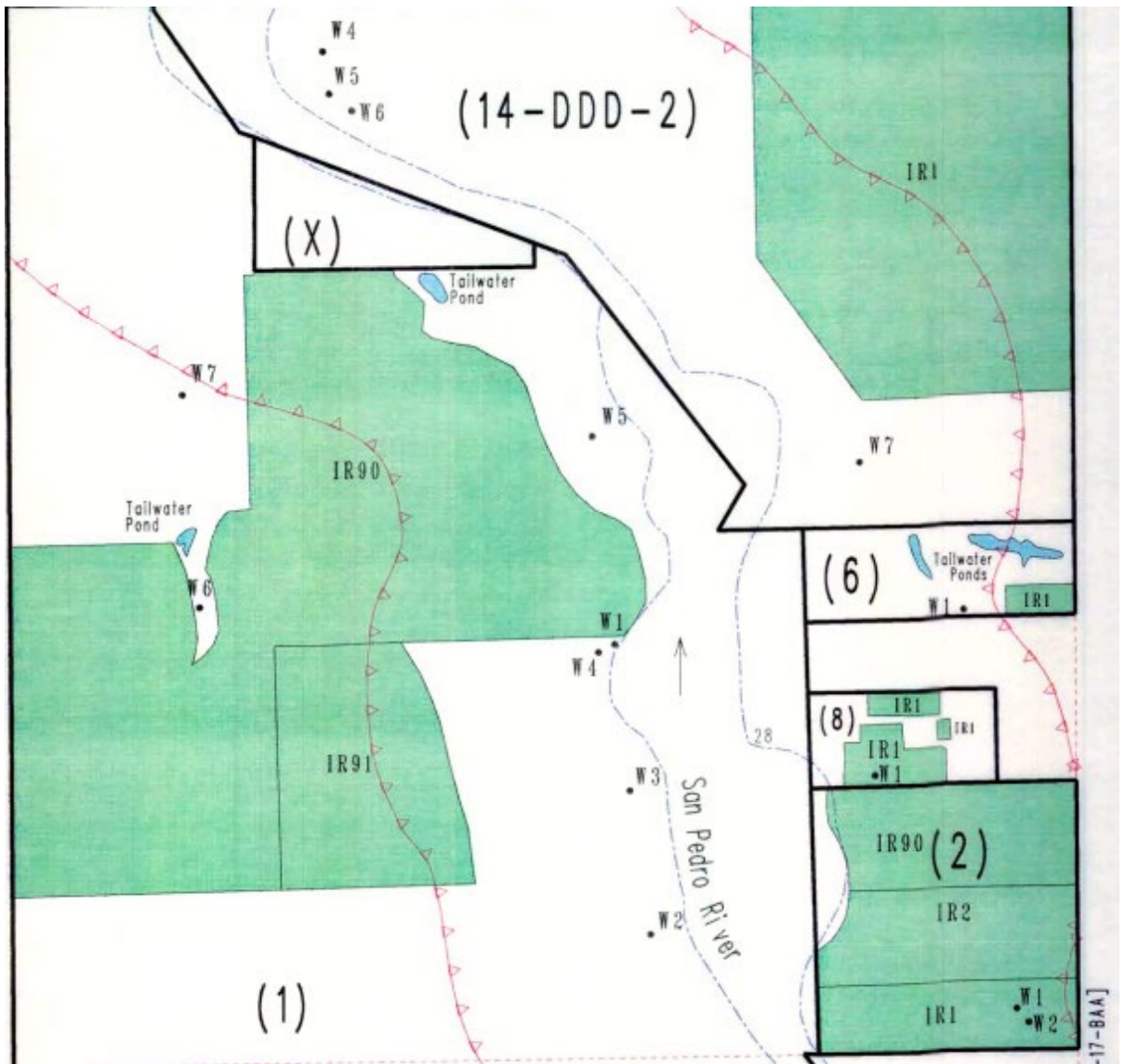
IR1 - IRRIGATED TURF AND GRASS.

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

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

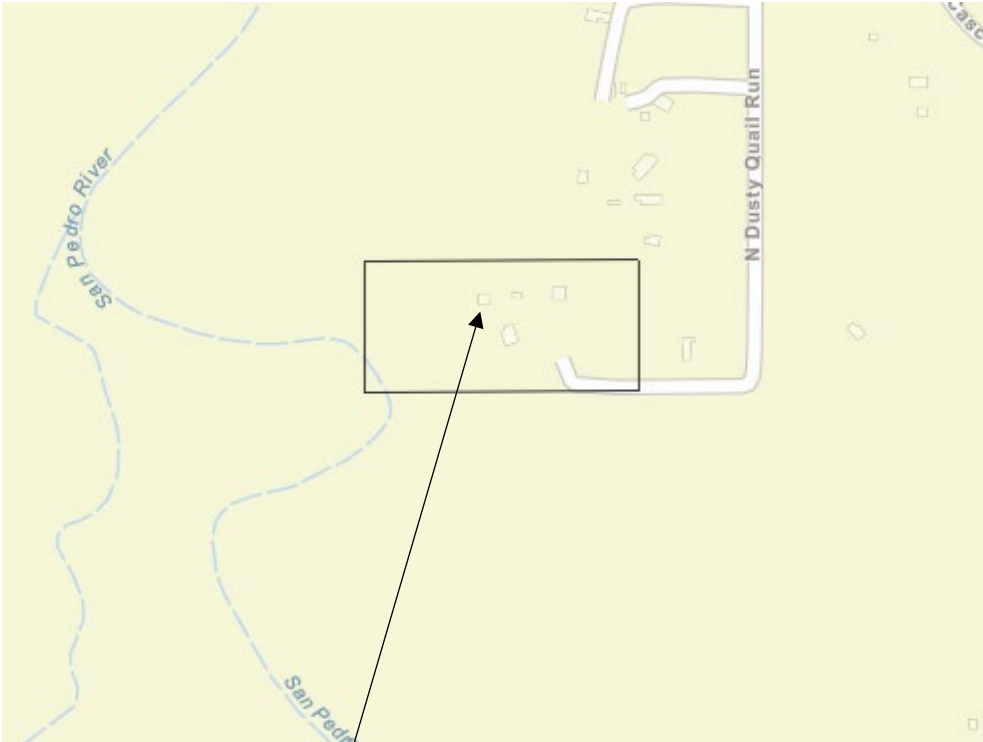
**ATTACHMENT D**

**ADWR Map of Area Investigated [denoted as “(8)”]**



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**ATTACHMENT E**  
**Cochise County Assessor Map**



**APN:208-61-008A**  
Sonia G. and Raymond A. Preciado

## 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

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 Michael Carter  
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

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Washington, DC 20006

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Office of the Attorney General  
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San Carlos, AZ 85550

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Laura Boyer & Maggie Woodward  
United States Dept. of Justice – ENRD  
P.O. Box 7611, Ben Franklin Station  
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