

**ARIZONA GENERAL STREAM ADJUDICATION**  
**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. **W1-11-2329**

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

CONTESTED CASE NAME: *In re Augustine E. and Mary B. Avechuco*

HSR INVOLVED: San Pedro Hydrographic Survey.

DESCRIPTIVE SUMMARY: The Clerk of Maricopa County Superior Court is directed to initiate W1-11-2329. Parties who wish to pursue this case are ordered to attend an initial conference hearing scheduled for **Tuesday, January 7, 2025, at 11:30 am.**

NUMBER OF PAGES: 13

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

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

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

The state of Arizona is currently undergoing a General Stream Adjudication to determine water use and create an accurate, enforceable record of those rights. In Arizona, surface water, and water pumped from some wells<sup>1</sup> belongs to the general public. An enforceable right to use surface water may be acquired after review and approval by Arizona's General Stream Adjudication Court. This Court has been instructed to evaluate

<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 claims on water in much of the state of Arizona and determine the date of first use, amount,  
2 and type of potential water use. This process, the “general stream adjudication,” is  
3 currently evaluating **PINAL COUNTY PARCEL Nos. 306-13-206, 306-13-077, and**  
4 **306-13-076** for potential water rights to be included in the catalog of water rights for the  
5 Gila River system.

6 This court order opens a case to determine rights to use water on the parcels listed  
7 above, that the Pinal County Assessor has identified as owned by **AUGUSTINE E. &**  
8 **MARY B. AVECHUCO**, and **MANUEL E. MADRID**. Current landowners who intend  
9 to pursue any potential water rights associated with this case must attend the initial status  
10 conference scheduled for **Tuesday, January 7, 2025, at 11:30 am**. Interested Parties  
11 **MUST** attend the scheduled initial conference if they plan to pursue potential water rights.  
12 Failure to appear at the initial conference could result in the dismissal of the case and the  
13 loss of water rights associated with the properties. The conference will be held virtually  
14 using the Court Connect program. Instructions for Court Connect are attached as  
15 Attachment A.

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

18 **MANUEL E. MADRID** is the current owner of **PINAL COUNTY PARCEL No.**  
19 **306-13-206**, which was previously owned by Augustine E. & Mary B. Avechuco.  
20 **AUGUSTINE E. & MARY B. AVECHUCO** continue to own **PINAL COUNTY**  
21 **PARCEL Nos. 306-13-076 and 306-13-077**.

22 Arizona Department of Water Resources (“ADWR”) records indicate that  
23 Augustine E. Avechuco filed Statement of Claimant No. 39-3139 in April 1980, claiming  
24 water for domestic use beginning in March 1979. The filing of a Statement of Claimant  
25 declares an individual’s intent to claim a water right and begins the process of pursuing  
26 that water right with the Court.

27 ADWR investigated this potential water use and issued Watershed File Report No.  
28 113-04-DC-020. After the Watershed File Report was issued, the public was allowed an

1 opportunity to object to the findings in the report if they believed there were errors or  
2 insufficient documentation. This case will determine the water rights on the properties  
3 investigated in Watershed File Report No. 113-04-DC-020. and resolve the objections to  
4 the Watershed File Report:

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

<b>Watershed File Report</b>	<b>113-04-DC-020</b>		
<b>Statement of Claimant #</b>	<b>39-3139</b>		
<b>Claimant Name</b>	Augustine Avechuco		
<b>Pinal Co. Tax Parcel</b>	306-13-206	306-13-076	306-13-077
<b>Existing claims</b>	None	None	None
<b>Water use found during ADWR investigation</b>	Domestic	Domestic	Domestic
<b>Basis of Right</b>	None reported	None reported	None reported

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

- 25 A. The earliest available evidence of water use on the property.
- 26 B. A Statement of Claimant in the name of the current landowner and accurately  
27 describing the claimed use. The current landowner may fulfill this requirement  
28 by either filing a new statement of claimant or obtaining an assignment or

1 amendment of a preexisting statement of claimant.

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

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

## 10 11 **OBJECTING PARTIES**

12 Objectors to a potential water right must present the Court with a specific  
13 statement objecting to a specific potential water right attribute. Ariz. Rev. Stat. § 45-  
14 256(B). Where an objection does not meet this requirement, the objecting party shall  
15 provide a detailed explanation of their objection during the initial conference hearing.  
16 The following have filed objections in this contested case:

17 <b>Objector(s)</b>	<b>Summary of objections</b>
18 Gila River Indian 19 Community, San Carlos 20 Apache Tribe, Yavapai- 21 Apache Nation, and the United States (Jointly)	<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>• The WFR does not show a water use rate.</li><li>• The WFR does not show a basis of right.</li><li>• The place of use reported in the WFR is inconsistent with the claimed place of use.</li></ul>

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

24 <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>  
25

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

27 Attachment A: Instructions on how to appear virtually or telephonically at the  
28 **Tuesday, January 7, 2025, at 11:30 am** status conference

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

3 Attachment C: Copy of WFR No. 113-04-DC-020

4 Attachment D: ADWR map showing land investigated in WFR No. 113-04-DC-020.

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

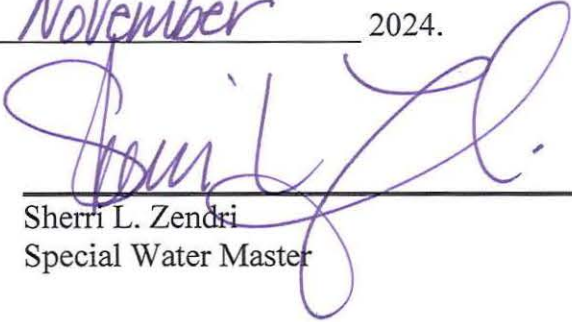
6 Attachment F: Initial Court Approved Mailing List

7  
8 **IT IS ORDERED** initiating contested case W1-11-2329, In re Augustine E. and Mary  
9 B. Avechuco and scheduling an initial conference hearing for **Tuesday, January 7, 2025,**  
10 **at 11:30 am.** The initial Court-Approved Mailing List for this case shall include all parties  
11 listed on Attachment E to this order. Any document filed in this case must be served on  
12 all parties listed on the Court-Approved Mailing List. The list may be modified only by  
13 Court order. Anyone who would like to receive courtesy copies of minute entries and  
14 orders may request inclusion on an email list by sending a request to:

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

16 If parties have questions regarding this Order or any of the attachments, please  
17 contact the General Stream Adjudication, Office of the Special Water Master, at (602)  
18 372-4115. Please note that staff can only answer administrative questions and cannot  
19 provide legal advice.

20  
21 Signed this 25<sup>th</sup> day of November 2024.

22  
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25 \_\_\_\_\_  
26 Sherri L. Zendri  
27 Special Water Master  
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1 On November 25, 2024, the original of  
2 the foregoing was delivered to the Clerk of the  
3 Maricopa County Superior Court for filing and  
4 distributing a copy to all persons listed on the  
5 Court-approved mailing list for this contested  
6 case, a copy of which is attached, and to all persons  
7 listed on the Court-approved mailing list for W1,  
8 W2, W3, and W4.

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Emily Natale

## ATTACHMENT A



### **Court Connect Hearing Notice for In re Augustine E. and Mary B. Avechuco**

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 Augustine E. and Mary B. Avechuco**

**Contested Case No. W1-11-2329**

**Start Date/Time: Tuesday, January 7, 2025, at 11:30 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
AVECHUCO, AUGUSTINE E.	113-04-DC-020
& MARY 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
39-0003139	QUE.RECD	DOMESTIC		NWSESE18	080S	170E	1979	NWSESE18	080S	170E

## 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
39-0003139	DOMESTIC	DOMESTIC		DM001

## U S E S

PWR #	LOCATION SECTION	TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER SOURCES	PHOTO DATE	SOURCE CHANGE	FACILITY NAME
DM001	NWSWSE18	080S	170E		GROUNDWATER : ZONE 1		NO	
	SENESE18	080S	170E					

## 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	39-0003139	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 39-3139 - A UNIFORM QUESTIONNAIRE WAS RECEIVED WHICH PROVIDED WATER USE AND DIVERSION LOCATIONS.

## USES AND RESERVOIRS

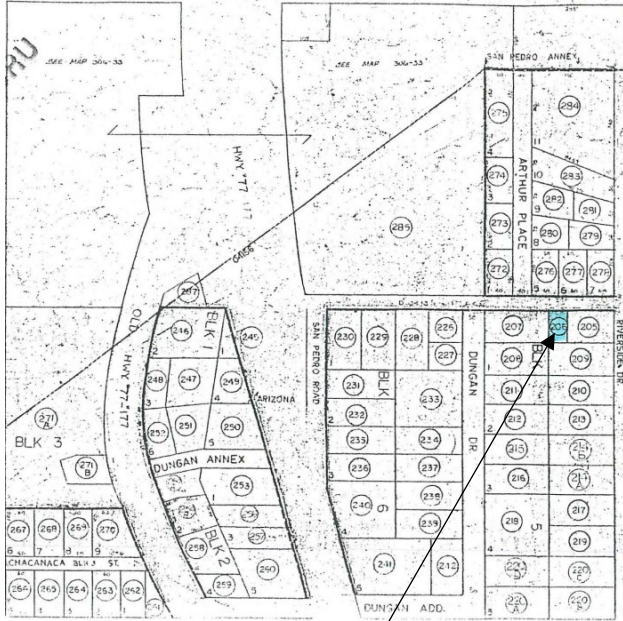
DM1 - DOMESTIC USE.

## DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS

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

## ATTACHMENT D

### ADWR Map



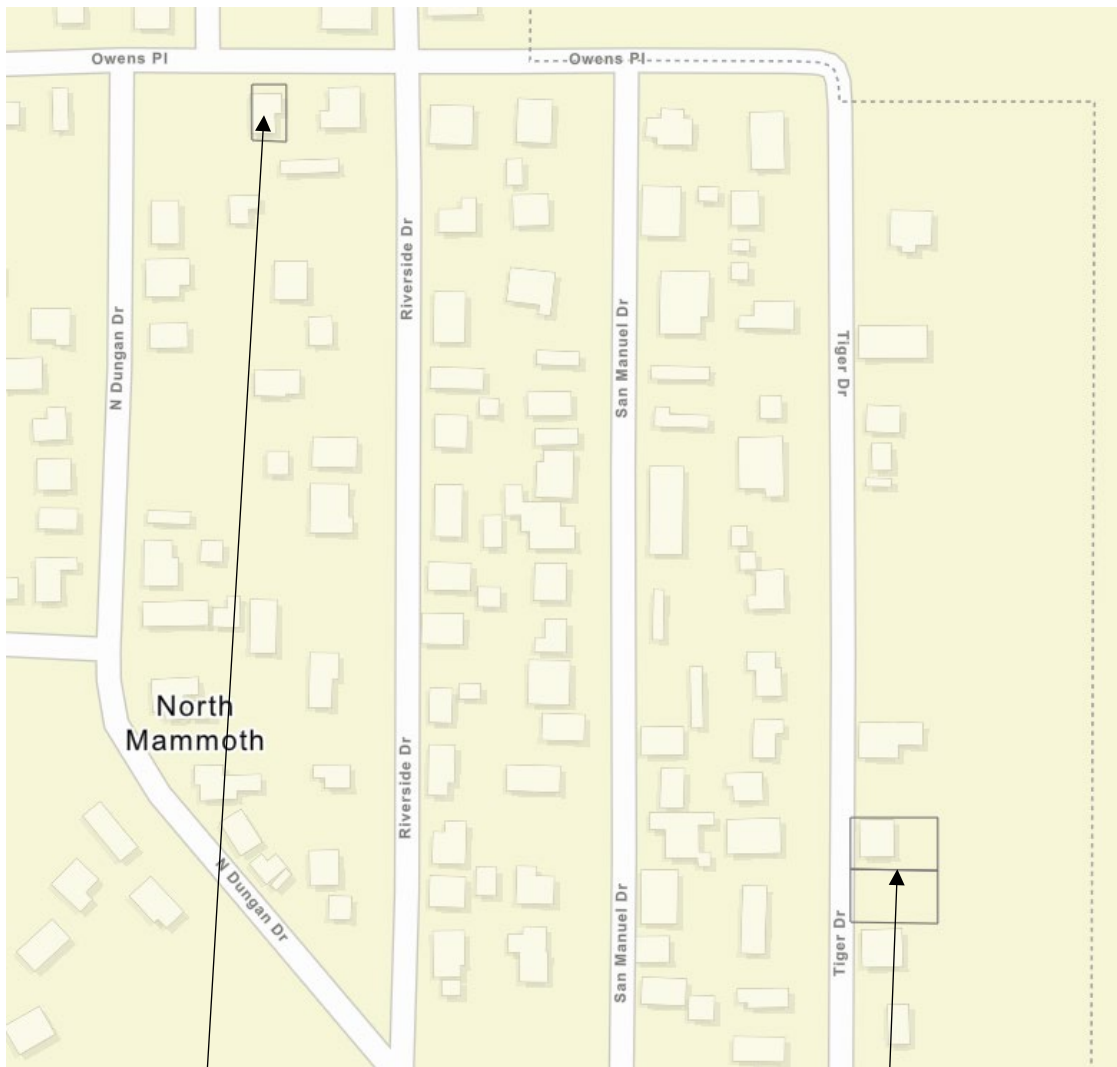
**Parcel No. 306-13-206**  
Manuel E. Madrid



**Parcel No. 306-13-077 (top)**  
**Parcel No. 306-13-076 (bottom)**  
Augustine E. and Mary B. Avechuco

**ATTACHMENT E**

**Assessor Map**



**Parcel No. 306-13-206**  
Manuel E. Madrid

**Parcel No. 306-13-077 (top)**  
**Parcel No. 306-13-076 (bottom)**  
Augustine E. and Mary B. Avechuco

**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	Jeremiah Weiner, Brett J. Stavin, and Jay Lee Rosette, LLP. 120 S. Ash Avenue, Suite 201 Tempe, AZ 85281
Clerk of the Superior Court Maricopa County Attn: Water Case 601 West Jackson St. Phoenix, AZ 85003	Susan B. Montgomery, Robyn Interpreter, Montgomery & Interpreter PLC 3301 E Thunderbird Road Phoenix, AZ 85032
Special Master Sherri Zendri Superior Court of Arizona 201 W. Jefferson Street Courtroom 301 Phoenix, AZ 85003	Gila River Indian Community Javier Ramos and Michael Carter Office of the General Counsel P.O. Box 97 Sacaton, AZ 85147
Alexander B. Ritchie San Carlos Apache Tribe Office of the Attorney General PO Box 40 San Carlos, AZ 85550	Merrill C. Godfrey and Brette A. Pena Akin Gump Straus Hauer & Feld LLP 2001 K Street, N.W. Washington, DC 20006
Joe P. Sparks and Laurel A. Hermann The Sparks Law Firm, P.C. 7503 First Street Scottsdale, AZ 85251-4573	Manuel E. Madrid PO Box 753 Mammoth, AZ 85618
Laura Boyer & Maggie Woodward United States Dept. of Justice – ENRD P.O. Box 7611, Ben Franklin Station Washington, DC 20044	Augustine E & Mary B Avechuco 719 N Tiger Dr. Mammoth, AZ 85618
	Augustine E. Avechuco Box 303 Mammoth, AZ 85618