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11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
12 **IN AND FOR THE COUNTY OF APACHE**

13 IN RE THE GENERAL ADJUDICATION
14 OF ALL RIGHTS TO USE WATER IN
15 THE LITTLE COLORADO RIVER
16 SYSTEM AND SOURCE

Civil Case No. CV 6417-33-5612

**ARIZONA DEPARTMENT OF
WATER RESOURCES STATUS
REPORT**

Special Master Sherri Zendri

17
18 **CONTESTED CASE NAME:** *In re Junior G. Williams et al.*

19 **DESCRIPTIVE SUMMARY:** The Arizona Department of Water Resources (“ADWR”) responds to the Court’s request for ADWR to file a status report.
20

21 **NUMBER OF PAGES:** Six

22 **DATE OF FILING:** September 3, 2024

23 On June 17, 2024 the Court filed an Order requesting that ADWR file a status
24 report by September 5, 2024 regarding surface water filings, potential water rights, and
25 instructions for initiating or completing necessary surface water filings related to the
26

1 claims made in this contested case. The status of each item requested in the Special
2 Master's June 17th Order is provided herein.

3 **1. Description of the status of all surface water filings on Navajo County**
4 **Assessor Parcel 208-03-004C and instructions for completing pending**
5 **surface water filings.**

6 ***Filing No. 36-24973.0¹***

7 This Statement of Claim of Right was filed on June 29, 1979 claiming .06 AFA
8 with a priority date of 1873 for livestock watering and time immemorial for wildlife
9 watering by the United States Forest Service, Apache-Sitgreaves National Forest. The
10 legal basis for the claim submitted by the claimant is that “[r]ecords maintained by the
11 Forest Service indicate this tank has been in use since 1873” though none of these records
12 appear to have been attached to this filing.² No assignments appear in the imaged record.
13 Because this filing is a Statement of Claim of Right, ADWR's Surface Water Section
14 does not take further action on the filing other than keeping a record of it and nothing
15 more is required of the applicant from the ADWR Surface Water Section's perspective.
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17 ***Filing No. 36-105302.0³***

18 This Statement of Claim of Right was filed on November 29, 2004 claiming a
19 priority date of 03/26/1918 for 16 AFA for irrigation on 8 acres of land and 876,000
20 gallons per year for stock watering by Junior G. and Joyce B. Williams. There is no legal
21 basis for the claim provided by the applicant in this filing. No assignments appear in the
22 imaged record. Because this filing is a Statement of Claim of Right, ADWR's Surface
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24 ¹ The imaged record for Filing No. 36-24973.0 is available online at:
<https://infoshare.azwater.gov/docushare/dsweb/Get/SWDoc-44911/0862X.PDF>.

25 ² *Id.*

26 ³ The imaged record for Filing No. 36-105302.0 is available online at:
<https://infoshare.azwater.gov/docushare/dsweb/Get/SWDoc-61914/Final214d3X.PDF>.

1 Water Section does not take further action on the filing other than keeping a record of it
2 and nothing more is required of the applicant from the ADWR Surface Water Section's
3 perspective.

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5 ***Claim No. 38-96665.0***⁴

6 This Claim of Water Right for a Stockpond and Application for Certification was
7 originally filed on November 29, 2004 by Junior G. and Joyce B. Williams. Due to the
8 failure of the applicant to provide required information to ADWR, Claim No. 38-9665.0
9 is an incomplete, but active filing. The outstanding issues, as identified by ADWR staff,
10 are outlined below, with steps to complete the filing provided following the description of
11 the issues.

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13 *Issue No. 1: Claimants listed on Claim No. 38-9665.0 do Not Match Owner*
14 *Information and Recorded Ownership Information Not Provided*

15 Since 2005, ADWR has repeatedly requested proof of ownership to verify the
16 current owner(s) of the subject parcel. To attempt to obtain this information, ADWR
17 made numerous phone calls that went unanswered and sent certified letters to the address
18 on file. Because ADWR received no response, Claim No. 38-9665.0 was placed on the
19 backlog. On May 9, 2024 Ms. Donna Williams submitted a new Claim of Water Right
20 for a Stockpond and Application for Certification with only two individuals listed out of a
21 possible nine owners for the parcel. To date, no valid, recorded deed has been provided
22 and this issue remains unresolved.

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26 ⁴ The imaged record for Claim No. 38-96665.0 is available online at:
<https://infoshare.azwater.gov/docushare/dsweb/Get/SWDoc-64669/38-096665.pdf>.

1 Issue No. 2: The Most Recently Filed Version of Claim No. 38-9665.0 Altered the
2 Legal Location and Ownership Information and Should be Submitted as an
3 Amendment to Claim No. 38-9665.0

4 In Ms. Williams’ May 9th filing of Claim No. 38-9665.0 the legal location was
5 changed to match the location noted in ADWR’s April 28, 2022 Field Inspection Report.
6 This May 9th filing included a statement from Ms. Williams that she “had made an error
7 on the application” by writing SENE when, “per [ADWR’s] aerial photos, [Middle Tank]
8 is actually NENE.” A change such as this to the application needs to be submitted on an
9 Amendment to a Claim of Water Right for a Stockpond and Application for Certification
10 form (“Amendment Form”).⁵

11 Summary of What is Required of Applicant for ADWR to Process 38-96665.0

- 12
- 13 1. Applicant needs to provide a recorded deed showing ownership of the specific
14 legal location of Middle Tank (NENE, Section 13, Township 11 North, Range
15 18 East) and ensure the applicants’ names match those on the deed or provide
16 ADWR with documentation that owners not listed as applicants have ceded
17 their rights to use the property or water on the property.
 - 18 2. Applicant needs to submit a letter to ADWR approving or contesting the
19 results in the April 28, 2022 Field Inspection Report.
 - 20 3. If Applicant intends to change the legal location of Middle Tank to NENE,
21 Section 13, Township 11 North, Range 18 East or make any other changes to
22 the application for Claim 38-96665.0, Applicant must submit the Amendment
23 Form.

24 **2. Potential water rights (“PWRs”) described in Watershed File Report**
25 **(“WFR”) 33-50-CBA-001 and located on Navajo County Assessor Parcel**

26 ⁵ Available online at <https://www.azwater.gov/surface-water-forms-and-documents>.

1 **208-03-004C for which no surface water filing has been made and**
2 **instructions for initiating surface water filings for these PWRs.**

3 In WFR 33-60-CBA-001 ADWR identified a second stockpond, labeled as SP2, as
4 a PWR associated with Parcel 208-03-004C, though neither a Statement of Claimant nor
5 a surface water filing has been made for this PWR.

6 ADWR also noted SP2 in its April 28, 2022 Field Inspection Report. SP2 was
7 referred to by Ms. Williams’ brother as “Garden Pond” during the inspection.
8 Subsequently, ADWR requested an inspection of SP2/Garden Pond multiple times in
9 2022, though Ms. Williams has stated to “disregard it,” though it does retain water for at
10 least two months out of the year.

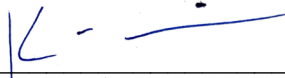
11 As already communicated to Ms. Williams in a letter sent by ADWR on August
12 22, 2022 – if SP2/Garden Pond is being used as a stockpond, a separate Claim of Water
13 Right for a Stockpond and Application for Certification may be filed if the stockpond was
14 constructed after June 12, 1919 and prior to August 27, 1977. If SP2/Garden Pond is
15 being used as a stockpond, but was constructed after August 27, 1977, an Application for
16 Permit to Appropriate Public Water of the State of Arizona or to Construct a Reservoir
17 may be filed. If SP2/Garden Pond is not being used as a stockpond and was constructed
18 after June 12, 1919, an Application for Permit to Appropriate Public Water of the State of
19 Arizona or to Construct a Reservoir may be filed. If SP2/Garden Pond was constructed
20 prior to June 12, 1919, a Statement of Claim of Right may be filed.⁶

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26 ⁶ All applications are available at <https://www.azwater.gov/surface-water-forms-and-documents>.

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DATED this 3rd day of September, 2024.

ARIZONA DEPARTMENT OF WATER
RESOURCES



Kimberly R. Parks, Deputy Counsel
Karen J. Nielsen, Deputy Counsel

ORIGINAL of the foregoing sent by
first-class mail on September 3, 2024, to:

Clerk of Apache County Superior Court
70 West Third South
St. Johns, Arizona 85936

COPY of the foregoing sent by
electronic mail on September 3, 2024, to:

Special Master Sherri Zendri
water@jbazmc.maricopa.gov

COPIES of the foregoing sent by
first-class mail on September 3, 2024, to
all parties on the court-approved mailing list
for Contested Case No. CV 6417-33-5612.

