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9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
10 **IN AND FOR THE COUNTY OF APACHE**

11 **IN RE THE GENERAL ADJUDICATION**  
12 **OF ALL RIGHTS TO USE WATER IN**  
13 **THE LITTLE COLORADO RIVER**  
14 **SYSTEM AND SOURCE**

Civil Case No. CV 6417-33-5690

15 **ARIZONA DEPARTMENT OF**  
16 **WATER RESOURCES NOTICE OF**  
17 **FILING DRAFT ABSTRACTS &**  
18 **REPORT**

Special Master Sherri Zendri

19 **CONTESTED CASE NAME:** *In re Church of Jesus Christ - LDS*

20 **DESCRIPTIVE SUMMARY:** The Arizona Department of Water Resources (“ADWR”) provides notice of filing draft abstracts and a report pursuant to Minute Entry filed on May 27, 2025 in this contested case.

21 **NUMBER OF PAGES:** 2 and 11-page attachment

22 **DATE OF FILING:** August 28, 2025

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23  
24 ADWR hereby provides notice of filing six draft abstracts and a report regarding  
25 potential water rights within Watershed File Report No. 033-51-008 with the Silver Creek  
26 Hydrographic Survey Report.

1 The original of this Notice, the draft abstracts, and the Report (**Attachment A**) are  
2 being filed with the Clerk and a copy is being posted to ADWR's website at:  
3 <https://www.azwater.gov/adjudications>.

4 **DATED** this 28th day of August 2025.

5 

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7 Karen J. Nielsen, Deputy Counsel

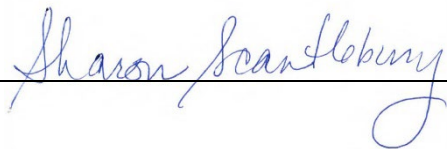
8 **ORIGINAL** of the foregoing sent by  
9 first-class mail on August 28, 2025, to:

10 Clerk of Apache County Superior Court  
11 70 West Third South  
12 St. Johns, Arizona 85936

13 **COPY** of the foregoing sent by  
14 Electronic mail on August 28, 2025, to:

15 Special Master Sherri Zendri  
16 [water@jbazmc.maricopa.gov](mailto:water@jbazmc.maricopa.gov)

17 **COPIES** of the foregoing sent by  
18 first-class mail on August 28, 2025 to  
19 all parties on the court-approved mailing list  
20 for Contested Case No. CV 6417-33-5690.

21 

# **ATTACHMENT A**

**Report on Draft Abstracts**  
**CV6417-33-5690 In re Church of Jesus Christ - LDS**

Introduction

The Church of Jesus Christ of Latter-Day Saints (LDS Church) filed Statement of Claimant (SOC) Nos. 39-81392 - 39-81394, 39-81397 - 39-81399 and 39-81402<sup>1</sup> on March 1, 1982 and 39-88519 on October 1, 1985 (collectively, SOCs). All SOCs fall under Watershed File Report (WFR) No. 033-51-008 in the Silver Creek Hydrographic Survey Report (HSR)<sup>2</sup>. Contested Case No. CV6417-33-5690 was initiated on July 18, 2024<sup>3</sup> to consider the claims mentioned in the SOCs and address objections to WFR No. 033-51-008. None of the SOCs have been amended since their original filing.

On May 27, 2025, the Court requested ADWR prepare draft abstracts for the seven SOCs for which the LDS Church is pursuing water rights<sup>4</sup>. This report includes both the requested abstracts and an explanation of the information contained on the abstracts and any changes that have occurred since the publishing of the Silver Creek HSR.

Parcel ownership of WFR No. 033-51-008

At present day, eleven Navajo County Parcels comprise WFR No. 033-51-008, and five of the eleven parcels are owned by the LDS Church<sup>5</sup>. Of the five potential water rights (PWRs) listed in the HSR, two are on land not owned by the LDS Church (SP001 and SP003).

PWR No. SP003 (Taylor Tank) is on land owned by Chad and Ashley Whiting (Parcel No. 205-04-003N). According to the Minute Entry dated May 27, 2025, the Church states they no longer own the parcel and do not want to pursue water rights for Taylor Tank<sup>6</sup>; therefore, ADWR did not create a draft abstract for SP003.

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<sup>1</sup> Files available through ADWR Imaged Records.

<https://infoshare.azwater.gov/docushare/dsweb/HomePage>

<sup>2</sup> Arizona Department of Water Resources. (November 30, 1990). Hydrographic Survey Report for the Silver Creek Watershed.

<https://infoshare.azwater.gov/docushare/dsweb/View/Collection-19509>.

<sup>3</sup> Order Initiating Contested Case and Setting Initial Conference, *In re Church of Jesus Christ - LDS*, Contested Case No. CV6417-33-5690, July 18, 2024

<sup>4</sup> Minute Entry, *In re Church of Jesus Christ - LDS*, Contested Case No. CV6417-33-5690, May 27, 2025 at PDF p.2.

<sup>5</sup> [Assessor | Navajo County, AZ](#)

<sup>6</sup> Minute Entry, *Supra* at PDF p.2.



PWR No. SP001 (Joy's Tank #2) is on Navajo County Parcel No. 205-04-003R currently owned by Hatch Construction and Paving. According to the Minute Entry dated May 27, 2025, the claimant states that this parcel was acquired in a land exchange and that the final paperwork is in process. According to the Navajo County Assessor website<sup>7</sup>, which was accessed July 17, 2025, the parcel is in the name of Hatch Construction and Paving. ADWR did not enter Owner of Right information on the draft Abstract for SP001 due to this discrepancy.

#### Ownership name of properties held by LDS Church

Inconsistencies exist between the landowner names as listed on the SOCs, in the HSR, by the Navajo County Assessor, and on well registries.

The SOCs filed in 1982, and the Statements of Claim of Right and Application for Certification of a Stockpond (SPRA Filings) filed in 1977 associated with the WFR state the owner as "Snowflake Arizona Stake, Church of Jesus Christ of Latter Day Saints". The HSR states the landowner as "Ch. Of Jesus Christ – LDS Real Estate Division. The Navajo County Assessor lists the landowner as "Church of Jesus Christ of LDS"<sup>8</sup>.

According to a June 22, 2005 letter sent to ADWR<sup>9</sup>, the LDS Church states that the full name for the legal entity that holds real estate for the Church is the "Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole", or abbreviated as "Corp. Pres. Bishop LDS Church". This is also the Claimant Name listed on 39-88519 filed October 1, 1985.

ADWR left the Owner of Water Right field blank on the Draft Abstracts due to the discrepancies of the landowner name within all filings.

#### Basis of Rights and Priority Dates

Each of the SOCs lists both an SPRA Filings (38-) and a Statement of Claim of Water Right (36-) as a Basis of Right (BOR). The SPRA Filings include specific information about each stockpond, such as capacity and construction date. The Statement of Claim only includes general information about when stockwatering first occurred on the property and does not reference any supporting documentation. The SPRA Filings include details about each stockpond and the Apparent First Use Date listed in the HSR comports with the

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<sup>7</sup> Navajo County Assessor, *Supra*.

<sup>8</sup> Navajo County Assessor, *Supra*.

<sup>9</sup> The June 22, 2005 letter was found in the imaged record for Well Registry No. 55-604471, available to view at:<https://infoshare.azwater.gov/docushare/dsweb/Get/WellRegDoc-210732/766.pdf>



associated SPRA Filings for that use. However, none of the SPRA Filings have been certificated.

Due to the pending hearing involving Issues of Broad Legal Importance in Contested Case No. W1-11-1511<sup>10</sup> and the lack of specific support for the Statements of Claim filed, ADWR left the BOR blank in each abstract.

The priority dates listed in the HSR include only the year and omit day and month information. For consistency on the Draft Abstracts, ADWR chose to add the day and month information consistent with what is written on each SPRA Filing using a day, month, and year. For SOC's and SPRA Filings that only list a year, ADWR used the last day in that calendar year. For SOC's and SPRA Filings that claim a date before a particular year, ADWR chose to use the last day of the previous year. This is consistent with how ADWR stores priority date information in its Surface Water and SOC databases. **Table 1** below lists the SOC's and the priority dates listed on the various sources.

**Table 1.** Priority date analysis for the SOC's mentioned in this report.

| SOC No.  | PWR No. | Name          | Priority Date SOC | Priority Date BOC | Apparent First Use Date HSR |
|----------|---------|---------------|-------------------|-------------------|-----------------------------|
| 39-81392 | SP001   | Joy's Tank #2 | 1970              | 1970              | 1970                        |
| 39-81393 | SP000*  | Pint Tank     | Prior to 1965     | Prior to 1965     | N/A                         |
| 39-81394 | SP002   | Hunt Tank     | Prior to 1965     | Prior to 1965     | 1965                        |
| 39-81397 | SW000*  | N/A           | Prior to 1939     | Prior to 1939     | N/A                         |
| 39-81399 | SP004   | Dump Tank     | Prior to 1950     | Prior to 1950     | 1950                        |
| 39-81402 | SP005   | Mesa Tank     | 3/NA/77           | March, 1977       | 1977                        |
| 39-88519 | SW000*  | N/A           | 00-00-939         | Prior to 1939     | N/A                         |

\* No water uses were found for 39-81393 and duplicate filings of 39-81397 and 39-88519. PWR Nos. SP000 and SW000 were assigned to these SOC's for cataloguing purposes only and these designations do not appear in the HSR.

ADWR performed an aerial imagery analysis as part of the HSR investigation process to verify first use dates.

### Water Sources

The water source listed in the HSR for each PWR disagrees with the water source listed on both the SOC and SPRA Filings for each PWR. The HSR only lists the trunk stream name whereas the SOC's and SPRA Filings list a more precise stream name specific to each claim.

<sup>10</sup> See [Revised Notice of Designation of Issues of Broad Legal Importance](#), Contested Case No. W1-11-1511 and W-1 – W-4 (Consolidated) and CV6417, *In re ASLD – Fred and Carol Telles*, filed May 19, 2025.



For the Draft Abstracts, ADWR chose to use the precise water source name consistent with each SOC and SPRA Filing.

#### Nonuse of PWR SP002

Aerial imagery accessed through Google Earth reveals that PWR SP002 – Hunt Tank (SOC 39-81394; BOC 38-58196) is breached and has not functioned as a stockpond since at least 1996.

#### SOC No. 39-81393 – Pint Tank

For the 1991 HSR, ADWR was unable to locate SOC No. 39-81393 at the claimed location. Both the SPRA Filing and the Statement of Claim listed on the SOC have identical location information. For purposes of drafting these abstracts, ADWR attempted to locate Pint Tank using modern imagery and again was unable. ADWR drafted an Abstract for Pint Tank based only on the information contained on the SOC. The Abstract Map highlights the entire claimed legal location and does not include a stockpond outline.

#### SOC Nos. 39-81397 and 39-88519

SOC Nos. 39-81397 and 39-88519 both claim water from a stockwell located in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter, Section 22, Township 12N Range 21 East. SOC No. 39-81397 was filed on March 1, 1982 for Other Uses and lists a pending well registration as a means of diversion. Neither SOC was associated with a Well Registry number or given a PWR in the HSR.

SOC No. 39-88519 was filed October 1, 1985 for a stockpond and lists Well Registry No. 55-604471 as a water source. No stockpond information is included with the SOC.

Well Registry No. 55-604471 was filed on March 1, 1982 for an existing stockwatering well drilled prior to 1939. The pump capacity is listed as 30 gallons per minute, but no information about the type of pump is provided.

Because of the same legal location and the same file date of March 1, 1982, ADWR associates Well Registry No. 55-604471 with SOC No. 39-81375, meaning both 39-81375 and 39-88519 are filed for the same water source and same water use. For this reason, ADWR considers 39-88519 as a duplicate of 39-81397.

ADWR did not assign a PWR to this water use nor was a BOR recorded for 39-88519 in the HSR. For the purposes of drafting this abstract, ADWR attempted to locate this well using aerial imagery and USGS topographic maps. A corral is visible at the claimed well location, but no stockpond, windmill, water trough or any other indication of a well at the



site are visible. USGS topographic maps from 1954 and 1970<sup>11</sup> show a windmill at this location, and the 1970 map also shows a small pond at the location.

The Adjudication Court has not yet established a subflow zone for the Silver Creek Watershed. Based upon this, ADWR is unable to comment on whether the well's location is within the subflow zone.

ADWR prepared a Draft Abstract for this water use using information contained on the more recent SOC No. 39-88519. The attached map includes the corral highlighted as the place of use with a POD at the location of the windmill indicated in the 1970 topographic map.

### Summary

A total of eight SOCs are associated with WFR No. 033-51-008. Two SOCs were determined to be for the same water use and source, and one SOC is no longer being pursued by the LDS Church; therefore, ADWR prepared a total of six draft abstracts. Water uses were only found for four of the SOCs, and those were assigned stockpond PWR numbers.

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<sup>11</sup> USGS topographic maps accessed online.  
<https://ngmdb.usgs.gov/topoview/viewer/#4/40.00/-100.00>

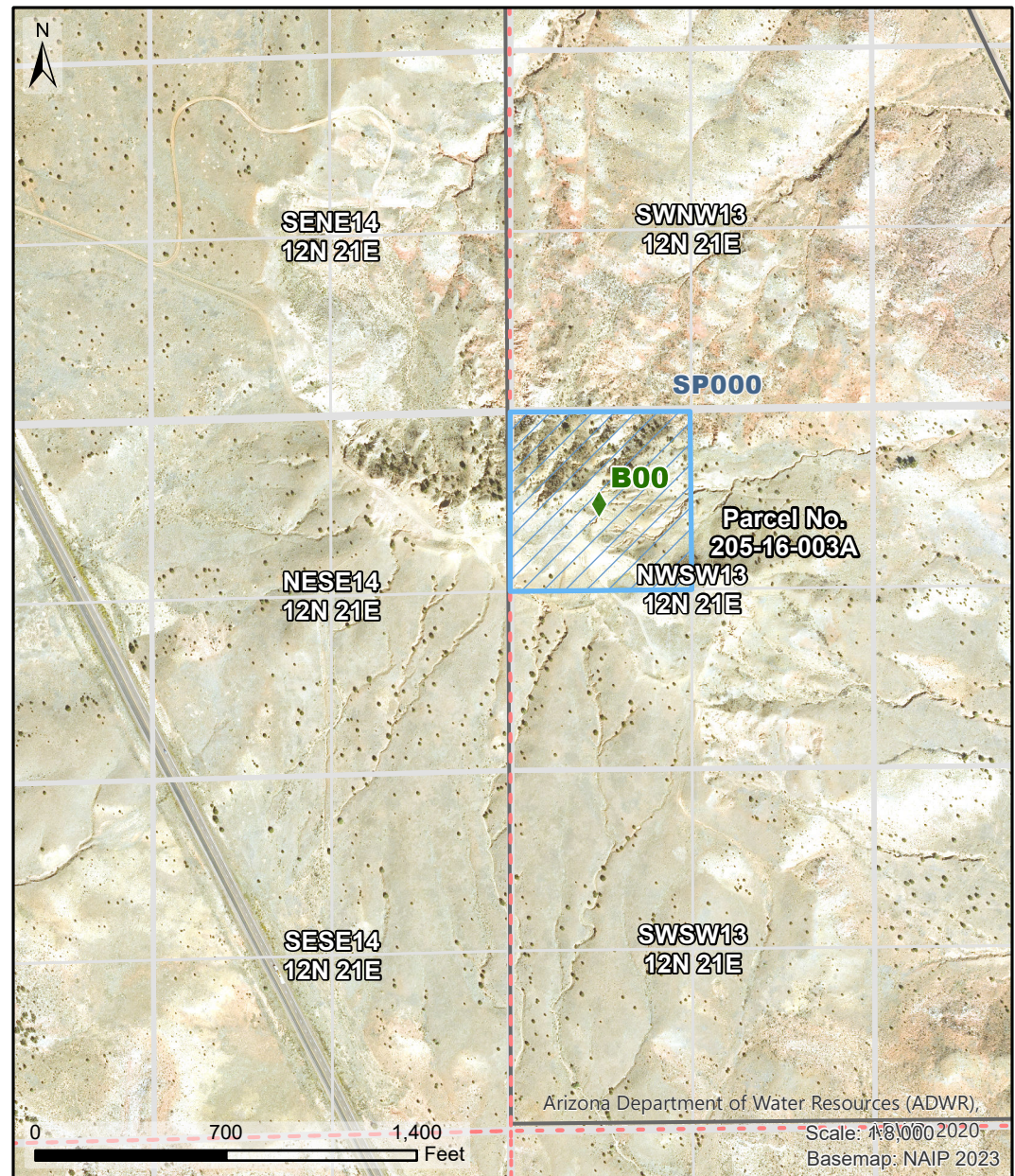







# PROPOSED ABSTRACT OF POTENTIAL WATER RIGHT

|                                 |  |
|---------------------------------|--|
| <b>1. Proposed Water Right</b>  | 033-51-008-SP000   |
| <b>2. Owner of Right</b>        |  |
| <b>3. Landowner</b>             | Church of Jesus Christ of LDS  |
| <b>4. Statement of Claimant</b> | 39-81393   |
| <b>5. Lessee or Permittee</b>   | N/A  |
| <b>6. Basis of Right</b>        |  |
| <b>7. Beneficial Use</b>        | Stock Watering From a Stockpond  |
| <b>8. Priority Date</b>         |  |
| <b>9. Quantity</b>              |  |
| <b>10. Flow Rate</b>            | N/A  |
| <b>11. Place of Use</b>         | NWNWSW Section 13 Township 12 North, Range 21 East; of the Gila and Salt River Baseline and Meridian, Navajo County, Arizona                               |
| <b>12. Point of Diversion</b>   | B-(-110.08657, 34.4324 WGS84) NWNWSW Section 13 Township 12 North, Range 21 East; of the Gila and Salt River Baseline and Meridian, Navajo County, Arizona |
| <b>13. Source of Water</b>      | Pint Tank Draw   |
| <b>14. Facility Name</b>        | Pint Tank  |

**Additional Information:**

None



- Beneficial Use**
-  Stock Watering from a Stockpond
-  Point of Diversion
-  PLSS Sections
-  County Assessor Parcels
-  Berm/Dam

**033-51-008-SP000**

**Little Colorado River Watershed**  
Silver Creek Subwatershed



ADWR August 2025

# PROPOSED ABSTRACT OF POTENTIAL WATER RIGHT

|                                 |  |
|---------------------------------|--|
| <b>1. Proposed Water Right</b>  | 033-51-008-SP001   |
| <b>2. Owner of Right</b>        |  |
| <b>3. Landowner</b>             | Hatch Construction & Paving Inc  |
| <b>4. Statement of Claimant</b> | 39-0081392   |
| <b>5. Lessee or Permittee</b>   | N/A  |
| <b>6. Basis of Right</b>        |  |
| <b>7. Beneficial Use</b>        | Stock Watering From a Stockpond  |
| <b>8. Priority Date</b>         | *12/31/1970  |
| <b>9. Quantity</b>              | *≤4.0AF with continuous fill   |
| <b>10. Flow Rate</b>            | N/A  |
| <b>11. Place of Use</b>         | SENE SW Section 08 Township 12 North, Range 21 East; of the Gila and Salt River Baseline and Meridian, Navajo County, Arizona                                |
| <b>12. Point of Diversion</b>   | B01-(-110.1507, 34.44548 WGS84) SENESW Section 08 Township 12 North, Range 21 East; of the Gila and Salt River Baseline and Meridian, Navajo County, Arizona |
| <b>13. Source of Water</b>      | Dobson Draw  |
| <b>14. Facility Name</b>        | Joy's Tank #2  |

**Additional Information:**

\*De Minimis Use



**Beneficial Use**

Stock Watering  
from a  
Stockpond



**Point of Diversion**

Berm/Dam



**033-51-008-SP001**

**Little Colorado River Watershed**  
Silver Creek Subwatershed



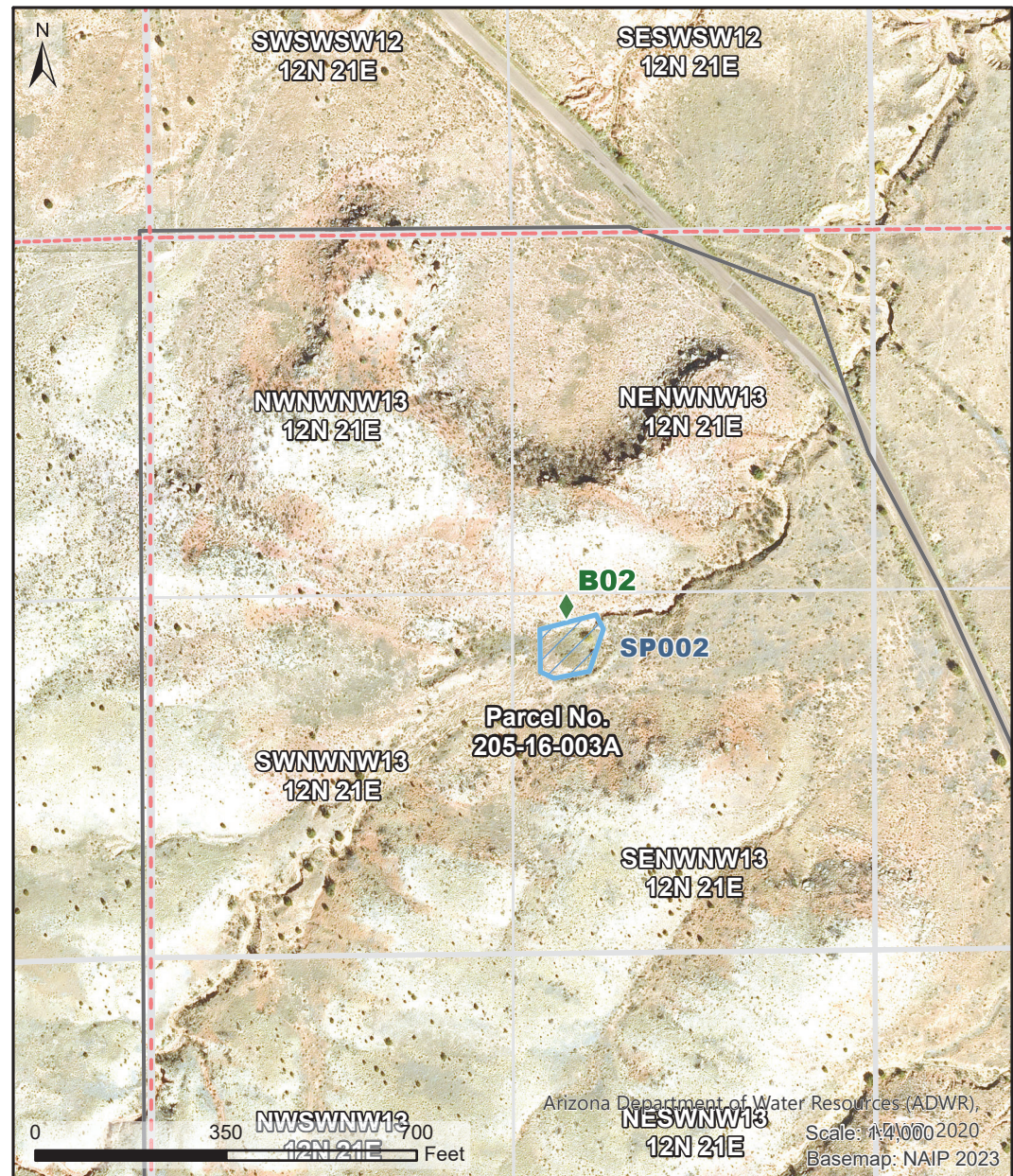
ADWR August 2025






# PROPOSED ABSTRACT OF POTENTIAL WATER RIGHT

|                                 |   |
|---------------------------------|---|
| <b>1. Proposed Water Right</b>  | 033-51-008-SP002  |
| <b>2. Owner of Right</b>        |   |
| <b>3. Landowner</b>             | Church of Jesus Christ of LDS   |
| <b>4. Statement of Claimant</b> | 39-0081394  |
| <b>5. Lessee or Permittee</b>   | N/A   |
| <b>6. Basis of Right</b>        |   |
| <b>7. Beneficial Use</b>        | Stock Watering From a Stockpond   |
| <b>8. Priority Date</b>         | *12/31/1964   |
| <b>9. Quantity</b>              | *≤4.0 AF with continuous fill   |
| <b>10. Flow Rate</b>            | N/A   |
| <b>11. Place of Use</b>         | SENWNW Section 13 Township 12 North, Range 21 East; of the Gila and Salt River Baseline and Meridian, Navajo County, Arizona                                  |
| <b>12. Point of Diversion</b>   | B02-(-110.08507, 34.43874 WGS84) SENWNW Section 13 Township 12 North, Range 21 East; of the Gila and Salt River Baseline and Meridian, Navajo County, Arizona |
| <b>13. Source of Water</b>      | Hunt Tank Draw  |
| <b>14. Facility Name</b>        | Hunt Tank   |

## Additional Information:

\*De Minimis Use



- Beneficial Use**
-  Stock Watering from a Stockpond
  -  Point of Diversion
  -  Berm/Dam
- PLSS Sections**
-  PLSS Sections
  -  County Assessor Parcels

**033-51-008-SP002**

**Little Colorado River Watershed**

Silver Creek Subwatershed



ADWR August 2025

# PROPOSED ABSTRACT OF POTENTIAL WATER RIGHT

|                                 |   |
|---------------------------------|---|
| <b>1. Proposed Water Right</b>  | 033-51-008-SP004  |
| <b>2. Owner of Right</b>        |   |
| <b>3. Landowner</b>             | Church of Jesus Christ -LDS   |
| <b>4. Statement of Claimant</b> | 39-0081399  |
| <b>5. Lessee or Permittee</b>   | N/A   |
| <b>6. Basis of Right</b>        |   |
| <b>7. Beneficial Use</b>        | Stock Watering From a Stockpond   |
| <b>8. Priority Date</b>         | *12/31/1949   |
| <b>9. Quantity</b>              | *≤4.0 AF with continuous fill   |
| <b>10. Flow Rate</b>            | N/A   |
| <b>11. Place of Use</b>         | SWSWSE Section 14 Township 12 North, Range 21 East; of the Gila and Salt River Baseline and Meridian, Navajo County, Arizona                                  |
| <b>12. Point of Diversion</b>   | B04-(-110.09493, 34.42624 WGS84) SWSWSE Section 14 Township 12 North, Range 21 East; of the Gila and Salt River Baseline and Meridian, Navajo County, Arizona |
| <b>13. Source of Water</b>      | Dump Tank Draw  |
| <b>14. Facility Name</b>        | Dump Tank   |

## Additional Information:

\*De Minimis Use



- Beneficial Use**
- Stock Watering from a Stockpond
  - Point of Diversion
  - Berm/Dam
- PLSS Sections**
- PLSS Sections
  - County Assessor Parcels

**033-51-008-SP004**

**Little Colorado River Watershed**  
Silver Creek Subwatershed



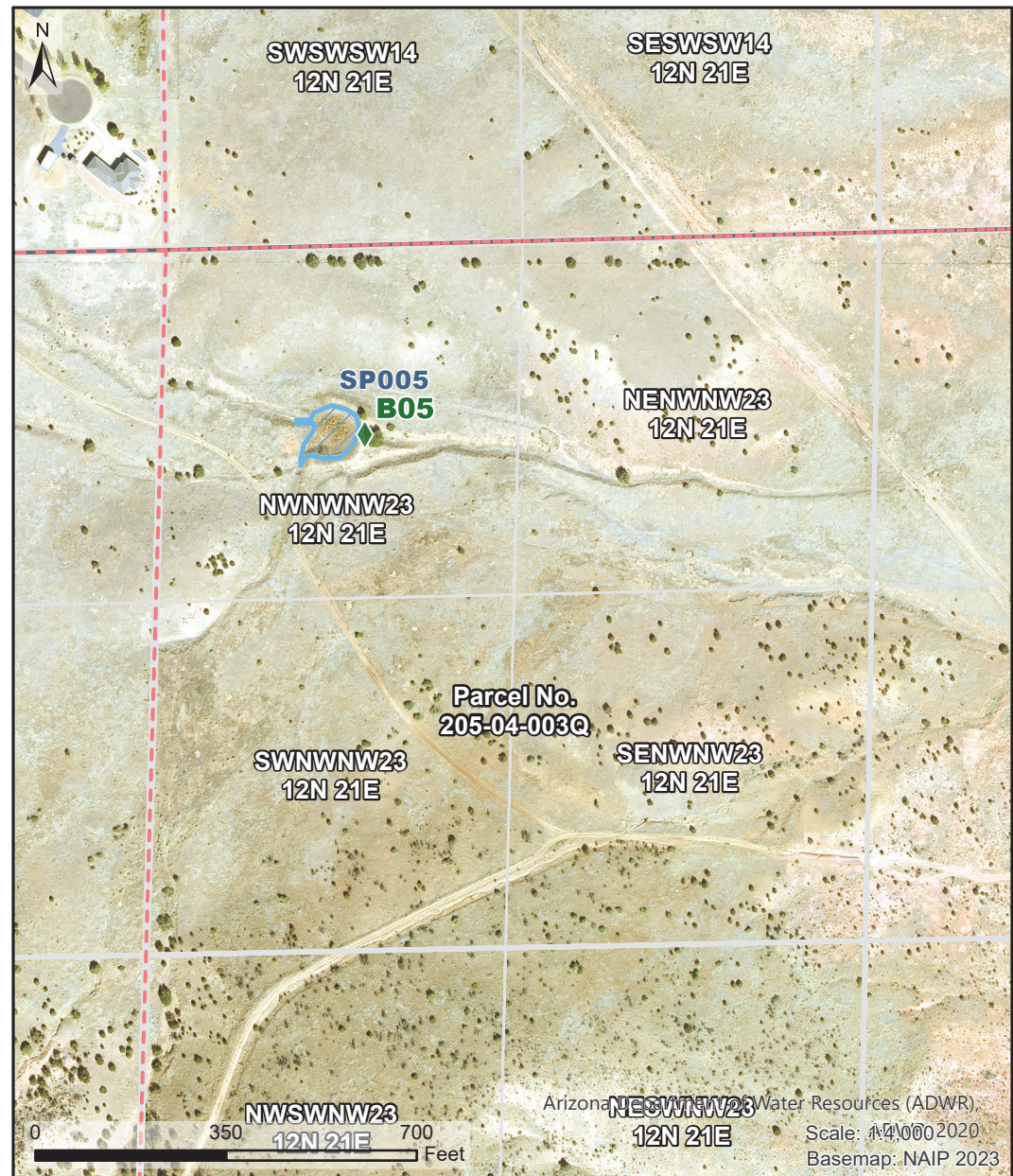
ADWR August 2025

# PROPOSED ABSTRACT OF POTENTIAL WATER RIGHT

|                                 |  |
|---------------------------------|--|
| <b>1. Proposed Water Right</b>  | 033-51-008-SP005   |
| <b>2. Owner of Right</b>        |  |
| <b>3. Landowner</b>             | Corp. Pres. Bishop LDS Church  |
| <b>4. Statement of Claimant</b> | 39-0081402   |
| <b>5. Lessee or Permittee</b>   | N/A  |
| <b>6. Basis of Right</b>        |  |
| <b>7. Beneficial Use</b>        | Stock Watering From a Stockpond  |
| <b>8. Priority Date</b>         | *8/31/1977   |
| <b>9. Quantity</b>              | *≤4.0AF with continuous fill   |
| <b>10. Flow Rate</b>            | N/A  |
| <b>11. Place of Use</b>         | NWNWNW Section 23 Township 12 North, Range 21 East; of the Gila and Salt River Baseline and Meridian, Navajo County, Arizona |
| <b>12. Point of Diversion</b>   | B05-(-110.10389, 34.42492 WGS84) 20504003Q ; of the Gila and Salt River Baseline and Meridian, Navajo County, Arizona        |
| <b>13. Source of Water</b>      | Mesa Tank Draw   |
| <b>14. Facility Name</b>        | Mesa Tank  |

**Additional Information:**

\*De Minimis Use



- Beneficial Use**
- Stock Watering from a Stockpond
- Point of Diversion
- Berm/Dam
- PLSS Sections
- County Assessor Parcels

**033-51-008-SP005**

**Little Colorado River Watershed**  
Silver Creek Subwatershed



ADWR August 2025



# PROPOSED ABSTRACT OF POTENTIAL WATER RIGHT

|                                 |   |
|---------------------------------|---|
| <b>1. Proposed Water Right</b>  | 033-51-008-SW000  |
| <b>2. Owner of Right</b>        |   |
| <b>3. Landowner</b>             | Church of Jesus Christ of LDS   |
| <b>4. Statement of Claimant</b> | 39-88519  |
| <b>5. Lessee or Permittee</b>   | N/A   |
| <b>6. Basis of Right</b>        |   |
| <b>7. Beneficial Use</b>        | Stock Watering  |
| <b>8. Priority Date</b>         |   |
| <b>9. Quantity</b>              |   |
| <b>10. Flow Rate</b>            | 30 gpm  |
| <b>11. Place of Use</b>         |   |
| <b>12. Point of Diversion</b>   | W-(-110.12105, 34.424 WGS84) NWNWNW Section 22 Township 12 North, Range 21 East; of the Gila and Salt River Baseline and Meridian, Navajo County, Arizona |
| <b>13. Source of Water</b>      |   |

## Additional Information:

None



- Beneficial Use**
-  Stock Watering
- Point of Diversion**
-  Well
-  PLSS Sections
-  County Assessor Parcels

**033-51-008-SW000**

**Little Colorado River Watershed**

Silver Creek Subwatershed



ADWR August 2025