

CASE STUDY

Stream Adjudications Discussions with Clients and Statement of Claimant Filing or Case Data Lookup

You learn that there is a legal process happening in your area called a Stream Adjudication. The general stream adjudication is a judicial proceeding to determine the nature, extent, and relative priority of water rights in Arizona. You know that water rights affect property rights, intended use, and in some cases, value. So, you intend to integrate your knowledge of Stream Adjudications into your client conversations, newsletter, social media posts, email outreach, and advisory duties.

Specifically, you want to make sure your clients understand whether they should file or assign a Statement of Claimant (SOC), and encourage them to consult ADWR or qualified legal counsel when appropriate. You also want to accurately advise your client on the difference between a filed Statement of Claimant and an adjudicated water right. That way your client can seek legal guidance, or call ADWR, if they wish to learn more about the water rights situation for their property, or a prospective property.

What are the water issues behind the scenario?

Background

Property owners benefit from certainty around their water rights. The Stream Adjudications amplify certainty (once the superior court once the Superior Court enters a final decree determining the claimed water rights makes a ruling on the Statement of Claimant filed and rules on amount and priority of water right.). Unfortunately, these legal proceedings are a very long process and certainty doesn't come quickly. However, there's a way to use the Stream Adjudication and the data ADWR has related to water rights claims, for professional guidance expert advising so your clients protect their water rights, and simultaneously their property rights.

There are two general stream adjudications in the state, one for the Gila River System and Source (Gila Adjudication) and one for the Little Colorado River System and Source (LCR Adjudication).



The exterior boundaries of these two adjudication areas include more than half the state, where most of the Indian reservations and federal lands are located. Thousands of claimants and water users are joined in these proceedings, which will result in the Arizona Superior Court issuing a comprehensive final decree of water rights for both river systems (this decree will include priority levels and use amounts). Surface Water rights are governed by the Doctrine of Prior Appropriation which states that the first appropriator to use the water, has the first right to that water. "First in time, first in right." Therefore, the court will determine the priority of water rights per this doctrine and put in their decree an order for the seniority of rights.

The Arizona Department of Water Resources (ADWR) maintains a Central Information Repository for data, reports, and other information related to the adjudications, which contains thousands of documents. This information is available to the public and to the parties of water rights decisions. The ADWR Adjudications Division provides technical assistance to the Superior Court in the General Stream Adjudication Proceedings.

The Statement of Claimant (SOC) form is an important administrative form for property owners to use for filing a Statement of Claimant asserting a claimed water right, or for sellers to transfer their water rights claims to a new property owner. ADWR maintains and updates SOC information, including names and addresses of the parties to the adjudications, the location and nature of the claims, property records, and payment of filing fees that are forwarded to either the Maricopa County Court (Gila Adjudication) or the Apache County Court (LCR Adjudication). This information is updated by ADWR as new SOC's are filed and as existing SOC's are amended or assigned due to changes in property ownership or other changes. ADWR conducts an annual search of its records to determine whether new water uses have been initiated within the adjudication areas and serves new use summons by certified mail to those potential claimants.

The impact of a General Stream Adjudication varies depending on the property's location and water source. It can be indirect to a particular client, OR it might affect your client in a very direct way. It just depends on where they live and how they get water for their property. An example of a direct issue relating to Statement of Claimant filings and the Stream Adjudications is the way this administrative filing and statement of claims affects water rights transfer.

Title insurance policies often exclude water rights, and title companies generally do not determine ownership or validity of water rights. . Water rights are usually exceptions to title insurance. Agents/Brokers should empower themselves and their clients to investigate who has filed a water rights claims for a particular property, and who owns any water rights that run appurtenant to the land, or that might have been severed from the land. Here's how to investigate:

1. You visit the ADWR Statement of Claimants Map
2. You enter the subject property address or zoom to it on the map
3. Click on any blue data points to look up SOC's that have been filed for water rights on that property. (GIS information should be treated as a research tool and verified directly with ADWR when necessary).). If you sense a mismatch of information, contact the department Adjudications unit at ADWR; socadmin@azwater.gov or 866-246-1414
4. You also want to ensure that your client knows to file their own Statement of Claimant after they take ownership of the property. An escrow agent can help facilitate the signing of a SOC transfer form at closing, as both the buyer and seller must sign the form.

Who is involved in a Stream Adjudication hearing?

Once the court is ready to rule on claims they will summon all persons listed in the property tax assessments in each watershed and on all persons in the watershed who had, at any time, any water rights filing on record with ADWR. 105,338 SOC's have been filed in the adjudications in response to the original and new use summons. Through the end of the calendar year 2022, over 89,600 SOC's have been filed in the Gila Adjudication, and over 15,700 SOC's have been filed in the LCR Adjudication.

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Agency/Resource	Source Link	When can you use it
ADWR: Stream Adjudications Page	https://www.azwater.gov/adjudications	Confirm water rights claimants, filings of SOC, location, type of use, historical amount of use
ADWR Constituent Portal - you can file forms here	https://www.azwater.gov/adwr-customer-portals	File an SOC for your property or request an SOC assignment if a prior SOC was filed.
ADWR Technical Reports Affecting the Stream Adjudications Subflow rulings	https://www.azwater.gov/adjudications	I.e. there's a groundwater flow model of the San Pedro River published in 2024 that the court uses to make decisions.
ADWR: Statement of Claimants GIS Map	https://experience.arcgis.com/experience/dccd34942e394028860e7505bd52fc8a/	A map based database to look up what SOCs have been filed for a particular property.
ADWR Database to look up Statement of Claimants that have been filed for a property	https://experience.arcgis.com/experience/dccd34942e394028860e7505bd52fc8a/	You can query by parcel ID number which is found in county tax records for a property.
ADWR's Online Files to look up surface water rights applications and decision orders	https://infoshare.azwater.gov/docushare/dsweb/HomePage	This database is good for listing agents who want to find documentation for Surface Water appropriate permits for specific properties. It's best to give this resource to your seller if they say they have surface water rights, but can't provide documentation.
Maricopa Superior Court Stream Adjudications Division (602) 372-4115	https://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/Index.asp	If you are uncertain whether or not there is an active steam adjudication case affecting the subject property. The court can answer questions related to where in the process a proceeding might be and which properties are affected.
ADWR Decreed and Proposed Water Rights Abstract Web Application	https://experience.arcgis.com/experience/6ac58beda7604012aacf1a02f3c6a95d	Use to find any water right that has been decreed (rare) or any case that has been heard by the special master and has an abstract waiting to be approved by the water judge.

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