

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

8/28/2020

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN WARD HARRIS

L. Stogsdill
Deputy

In re: Manuela Franco
Contested Case No. W1-11-3239

FILED: September 8, 2020

In Re: The General Adjudication
of all Rights to Use Water in the
Gila River System and Source
W-1, W-2, W-3 and W-4 (Consolidated)

In re: Status Conference

MINUTE ENTRY

Central Court Building – Courtroom 301

1:30 p.m. This is the time set for a Status Conference before Special Water Master Susan Ward Harris. The parties appear telephonically.

The following attorneys appear telephonically: Mark McGinnis on behalf of Salt River Project; and Lucas Christian on behalf of Tonto Apache Tribe, Laurel A. Herrmann and Joe Sparks on behalf of the San Carlos Apache Tribe, Kimberly R. Parks observing on behalf of ADWR and Bradley Pew on behalf of ASARCO. Veronica Buchanan and Manuela Franco appear. No appearance is made by or on behalf of Helidoro Lerma, Robert Chavez, Francisco Estrata or Anna Estrada.

A record of the proceedings is made digitally in lieu of a court reporter.

The Court notes that Ms. Franco filed a Statement of Claimant for water rights with ADWR. The Court further explains Robert Franco also owned the property, who is now deceased.

The Court believes that the landowners in this case are Helidoro Lerma, Robert Chavez and Francisco and Anna Estrada.

Ms. Buchanan states that Ms. Franco does not wish to pursue her claim for a water right. Ms. Buchanan also stated that her mother no longer owns the land in question and she will agree to assign any claim for water rights to the existing owners.

Manuela Franco's address is: 44344 W. Rhinestone Rd. Maricopa, AZ 85139 c/o Veronica Buchanan.

The Court did receive a proposed abstract filed on July 17, 2020 by Frank and Anna Estrada. Counsel confirms that they also received the abstract. However, no one has talked to them about the abstract and they did not appear for this hearing.

Ms. Hermann addresses the Court and outlines some issues with the proposed abstract filed by the Estrada's, specifically, the basis of rights and the priority date. Mr. McGinnis provides the Court with a different first use date of 1891.

Mr. Sparks believes that another call with Mr. and Mrs. Estrada will be helpful to confirm what they are requesting for necessary water use.

There is some question if the Estrada's claim falls under the criteria for *de minimus* use or not.

The Court advises counsel that it will update the Court approved mailing list.

For the reasons stated on the record,

IT IS ORDERED that by **October 30, 2020** Mr. Sparks will advise the Court if whether or not an agreement is reached with Mr. and Mrs. Estrada. If an agreement is reached, the parties will file a stipulated abstract with the Court.

1:51 p.m. Matter concludes.

A copy of this order is mailed to all persons listed on the Court-approved mailing list.

IT IS FURTHER ORDERED that Helidoro Lerma and Robert Chavez have not filed statements of claimant and have not appeared in this matter to claim water rights and, therefore, they are dismissed and their names shall be removed from the Court-approved mailing list.