

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

April 7, 2022

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN HARRIS

T. DeRaddo
Deputy

In Re: Richard and Reva Kirkman
Contested Case No. W1-11-2319

FILED: 4/13/2022

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)

HSR involved: San Pedro River Watershed
Hydrographic Survey Report

MINUTE ENTRY

Central Court Building – Courtroom 301

2:40 p.m. This is the time set for a virtual/telephonic Status Conference. All parties and counsel appear virtually or telephonically. Appearances are as follows:

- Kimberly Parks for Arizona Department of Water Resources
- Landowners, Charles W. Yokum and Carrie Maddox
- Landowners, Robert C. Sachs and Janice Greutzke
- Tom Murphy for the Gila River Indian Community
- Laurel Herrmann and Joseph Sparks for the San Carlos Apache Tribe
- Richard Palmer for the Tonto Apache Tribe
- Sue Montgomery for the Yavapai Apache Nation and observing for the Pasqua Yaqui Tribe
- Mike Foy observing for Salt River Project
- Landowner David E. Johnson

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

Richard and Reva Kirkman, the claimants, are not present

David Johnson states that he intends to claim a right to water but has not yet filed a Statement of Claimant.

The Court explains the water rights adjudication process for appropriable water and how the location of wells that are used to pump water affects a claim for a water right. Mr. Johnson's well is in the San Pedro River watershed. The question is whether it is in the subflow zone.

The Court explains to Mr. Johnson the process of filing Statement of Claimant for a water right if he wants to proceed with making a claim.

For the reasons stated on the record,

IT IS ORDERED that if Mr. Johnson intends to assert water rights, he shall contact and work with ADWR regarding his claim and shall file a Statement of Claimant.

IT IS FURTHER ORDERED Mr. Johnson shall research his property using ADWR's interactive map to determine whether the well which will be the source of the water is located inside or outside of the subflow zone.

The link to the map crated by Arizona Department of Water Resources is:
<https://azwater.maps.arcgis.com/apps/webappviewer/index.html?id=a4c748130c7b435ea72afebf90031f70>

The Court may stay this case if Mr. Johnson files a Statement of Claimant and it is determined that his well is located outside the subflow zone for the San Pedro River watershed. The Court will set another virtual Status Conference once the pertinent information is gathered as stated on the record.

Mr. Foy states that Mr. Johnson's well number is: 55-559595.

2:50 p.m. Matter concludes.

LATER:

IT IS ORDERED that a second Status Conference shall be held on **June 9, 2022, at 3:45 p.m.** The Status Conference shall be held using the Court Connect program. Instructions for Court Connect are attached as Attachment A. If you receive this Order by email, click on the red box "Join Court Connect Hearing" on the attached instructions to make an appearance. If you do not receive this Order by email, log into the Court Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>.

The purpose of the Status Conference is for Mr. Johnson to inform the parties whether he has filed a Statement of Claimant and intends to proceed with seeking a claim

for a right to appropriable water. Mr. Johnson will also be prepared to provide the registration number for the well.

Copies of Orders and Minute Entries in this case have been sent to the last known address of Richard and Reva Kirkman. These documents have been returned with the notation that they cannot be forwarded.

IT IS FURTHER ORDERED removing Richard and Reva Kirkman from the Court-approved mailing list.

If you do not have access to the internet, you may attend telephonically using the telephone number and access code included in the instructions for Court Connect. You may also attend telephonically using the following numbers:

Instructions for telephonic participation:
Dial: 602-506-9695 (local)
1-855-506-9695 (toll free long distance)
Dial Collaboration (conference) Code 357264#

NOTE: All court proceedings are recorded digitally and not by a court reporter. The parties or counsel may request a CD of the proceedings. For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.

General Explanation to Self-Represented Litigants. In Arizona, people, governmental entities, and businesses can acquire rights to appropriable water. Appropriable water comes from places such as rivers, streams, water flowing under the surface that is part of a stream or river (subflow), definite underground channels, lakes, ponds, and springs. The other source of water is groundwater pumped from a well which is not considered appropriable water. People can also acquire rights to groundwater, but the procedures are different than the procedures that apply to appropriable water.

As demand grew over more than the past century for water in Arizona, with the potential for conflict, it became clear that it was necessary to examine all of the claims to rights to appropriable water to establish valid legal rights to water that could be protected and enforced.

The Arizona legislature put a procedure in place that requires the court to determine whether a person, who has filed a Statement of Claimant, has a legal right to appropriable water. The procedure is known as a general adjudication. The purpose of

the general adjudication is to examine claims for water rights and define those rights. Many western states use general adjudications to determine water rights. General adjudications in some areas of the United States have been completed and others are still in process.

In the San Pedro watershed, more than a hundred thousand claims have been made for water for uses such as domestic, irrigation, stock watering, mining, and stockponds. The court will determine water rights of those persons who have filed a Statement of Claimant. The failure to file a Statement of Claimant can result in the forfeiture of a right to use appropriable water, so it is important that a person seeking a water right file a Statement of Claimant, have a Statement of Claimant filed on his or her behalf, or obtain an assignment of an existing Statement of Claimant.

University of Arizona Law Clinic

The Natural Resource Use and Management Clinic ("Clinic") at the University of Arizona James E. Rogers College of Law is establishing a program to represent claimants in the General Stream Adjudication who need legal representation and meet certain criteria. Legal services, from case initiation through a settlement negotiation, will be provided by law students studying environmental and water law and will be overseen by a water law attorney. Legal services do not extend to representation at trial. The Clinic's website and contact information can be found using the following link: <https://law.arizona.edu/clinics/natural-resource-use-management-clinic>.

Attachment A



Court Connect Hearing Notice for In re Richard & Reva Kirkman

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 Richard & Reva Kirkman Contested Case No. W1-11-2319

Start Date/Time: June 9, 2022 at 3:45 p.m.

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](#)

