

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

September 28, 2023

CLERK OF THE COURT  
A. Parmar  
Deputy

SPECIAL WATER MASTER  
SHERRI ZENDRI

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

FILED: October 5, 2023

In re: David and Fay Gard  
Contested Case No. W1-11-2726

**MINUTE ENTRY**

Courtroom 301 – Central Court Building

10:00 a.m. This is the time set for a Status Conference to discuss the status of agreements and obtain a schedule for discovery before Special Water Master Sherri Zendri.

The following parties/attorneys appear virtually through Court Connect:

- Claimants, Joel Quisenberry and Donna Quisenberry, are present on their own behalf
- Kimberly Parks on behalf of Arizona Department of Water Resources (“ADWR”)
- Bradley Pew on behalf of American Smelting and Refining Company (“ASARCO”)
- Katrina Wilkinson on behalf of Salt River Project (“SRP”)
- Joe Sparks and Laurel Herrmann on behalf of the San Carlos Apache Tribe
- Sue Montgomery on behalf of the Yavapai Apache Nation (and observing on behalf of Pascua Yaqui Tribe)

- Yosef Negose on behalf of the United States Department of Justice, Bureau of Indian Affairs
- Maggie Woodward on behalf of the United States Proprietary Agencies
- John Burnside on behalf of BHP Copper
- Thomas Murphy on behalf of the Gila River Indian Community
- Brett Stavin on behalf of Tonto Apache Tribe

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

Mrs. Quisenberry addresses the Court regarding the progress made since the last hearing. She reports that she was contacted by the University of Arizona's law clinic the day of the hearing and returned her application for assistance on May 8<sup>th</sup>. She reached out to the program several times but did not receive any response.

The Court notes that the water clinic has gone on hiatus since the last hearing and will speak to the personnel about informing parties that they are not able to process applications at this time.

Discussion is held regarding how the Quisenberrys would like to proceed. Mrs. Quisenberry reports that she has an amended Statement of Claimant ("SOC") apart from the claim filed by the Gards for the one well on their property. The other parties report that they do not recall receiving this SOC. The Court will send a copy of the revised SOC with today's Minute Entry.

Mr. Burnside suggests that the parties meet at ADWR's office and attempt to settle this matter with the Quisenberrys. The parties agree to hold another meeting.

**IT IS ORDERED** that due to the volume of documents that the Quisenberrys have, and the difficulty for the Quisenberrys to scan the documentation, the parties shall participate in a meeting at ADWR's office within the next 90 days. Any party that intends to object to the Quisenberrys' claim must show up at the meeting.

**IT IS FURTHER ORDERED** that within 10 days after the meeting, the Quisenberrys file a Letter with the Court, and send copies to the other parties on the mailing list, informing the Court regarding the outcome of the meeting; whether agreements were reached or if a trial date is needed.

10:40 a.m. Matter concludes.

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

**LATER:**

The Court understands the challenges with scheduling a large group of disparate parties for a meeting. Therefore, ADWR has been requested to assist the Quisenberrys

with this scheduling. The Court reminds all parties that ADWR is not a party to this case and will not provide legal advice. To the extent questions can be answered regarding the history of the adjudication and process steps ADWR can certainly provide assistance. Questions regarding what information should be provided and whether something is sufficient evidence to substantiate a claim are not within the scope of ADWR's assistance.

Under the law, self-represented litigants are held to the same legal standard as attorneys when presenting their cases and when working with opposing parties. It is the expectation of the Court that all parties will work together respectfully and in good faith to resolve this claim.

**IT IS ORDERED** that prior to the meeting with the parties, ADWR will prepare a draft abstract for the Quisenberry's potential water rights claim based upon information contained in SOC # 39-18140, filed October 18, 2020, by Joel Quisenberry. A copy of SOC # 39-18140 is attached to this minute entry. To the extent possible, ADWR and the objecting parties shall use this draft abstract to help the Quisenberrys understand what information is necessary for a final water right and what additional information may be needed to complete their potential claim. ADWR is not required to do any research for any information not currently available.

Although Court staff cannot provide legal advice, if the Quisenberrys, or any other party in this case, have procedural questions regarding the water adjudication they may call the office of the Special Water Master at (602) 506-0453.

RECEIVED

OCT 18 2020

STATEMENT OF CLAIMANT FORM

(11) FOR 39-18140  
DOMESTIC USE  
10-18-20

SAN PEDRO RIVER WATERSHED

SUPERIOR COURT OF MARICOPA COUNTY

For Departmental Use Only

File No. 39-	
Date Filed:	
WFN	

111335

ARIZONA DEPARTMENT OF WATER RESOURCES  
ADJUDICATIONS

1. Claimant Name: Joel A. Quisenberry and Anna Quisenberry  
 Claimant Address: 5362 N. Cascabel Rd City Benson  
 State: Arizona Zip Code 85602 Telephone 520-212-5362

2. Basis of Claim:

- A.  Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. \_\_\_\_\_
- B.  Appropriation Right acquired after June 12, 1919. Application No. \_\_\_\_\_, Permit No. \_\_\_\_\_, or Certificate of Water Right No. \_\_\_\_\_
- C.  Decreed water right. Principal litigants, court, date and case no. \_\_\_\_\_
- D.  Right to withdraw groundwater. Grandfathered Right No. \_\_\_\_\_
- E.  Other, describe: purchased property 2008 no records on well

3. Claimed Priority Date: \_\_\_/\_\_\_/\_\_\_ (month/day/year)

4. Source of Water:

- A.  Stream: name \_\_\_\_\_, tributary to \_\_\_\_\_
- B.  Spring: name \_\_\_\_\_, tributary to \_\_\_\_\_
- C.  Lake or Reservoir: name \_\_\_\_\_, tributary to \_\_\_\_\_
- D.  Groundwater.

5. A. Legal description of the Point of Diversion:

County Cochise, Section \_\_\_\_\_, Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W  
 Legal Subdivision: Parcel # 209-53-00101  
 \_\_\_\_\_ 1/4, \_\_\_\_\_ 1/4, \_\_\_\_\_ 1/4, of the Section

B. Legal description of the Place of Use: (one of the following)

County \_\_\_\_\_, Section \_\_\_\_\_, Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W  
 Legal Subdivision: \_\_\_\_\_ 1/4, \_\_\_\_\_ 1/4, \_\_\_\_\_ 1/4, of the Section, or  
 Parcel I.D. \_\_\_\_\_, or  
 Subdivision Name \_\_\_\_\_ Block No. \_\_\_\_\_ Lot No. \_\_\_\_\_

6. If there are Irrigation, Stockpond or Other Uses supplied from the point of diversion, describe: \_\_\_\_\_

Irrigation for livestock pasture

7. Means of Diversion:

- A.  Instream pump.
- B.  Gravity flow into a ditch, canal or pipeline.
- C.  Well: Arizona Department of Water Resources Well Registration No. 55-613-635
- D.  Other, describe: \_\_\_\_\_

8. Number of persons 2 or dwellings 2 served by this use.

9. Annual Volume Claimed: 7 acre-feet domestic use, lawn, garden, fruit trees

10. It may be necessary for a representative from the Department of Water Resources to inspect the place of use and diversion. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Joel A. Pinnamberg

11. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? call first

12. Additional comments: We purchased this property 2008. It was a pecan orchard. Now it is pasture for livestock which I irrigate, water for wildlife & stock

(attach additional sheet if required)

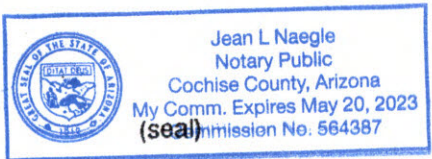
13. Attach Filing Fee to Form. Mail form(s) and fee(s) to:

AZ DEPT OF WATER RESOURCES  
ADJUDICATIONS  
PO BOX 36020  
PHOENIX AZ 85067-6020

14. Notarized Statement:

I, We, Joel A. Pinnamberg

the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my ~~our~~ knowledge and belief true, correct and complete.



May 20, 2023  
My Commission Expires

Jean L. Naegle

Notary Public

or \_\_\_\_\_  
Authorized Personnel of the Department of Water Resources

RECEIVED

OCT 18 2020

ARIZONA DEPARTMENT OF WATER RESOURCES  
ADJUDICATIONS

RECEIVED

OCT 18 2020

STATEMENT OF CLAIMANT FORM  
FOR 39-18140  
IRRIGATION USE  
10-18-20

For Departmental Use Only

File No. 39-	
Date Filed:	
WFN:	

111335

ARIZONA DEPARTMENT OF WATER RESOURCES  
ADJUDICATIONS

SAN PEDRO RIVER WATERSHED  
SUPERIOR COURT OF MARICOPA COUNTY

1. Claimant Name: Joel A Quisenberry and Donna A Quisenberry  
 Claimant Address: 5362 N Cascabel Rd City Benson  
 State: Arizona Zip Code 85602 Telephone 520-212-5362

2. Basis of Claim:

- A.  Appropriation Right acquired prior to June 12, 1919. 1974 Water Rights Registration Act Registry No. \_\_\_\_\_
- B.  Appropriation Right acquired after June 12, 1919. Application No. \_\_\_\_\_, Permit No. \_\_\_\_\_, or Certificate of Water Right No. \_\_\_\_\_
- C.  Decreed water right. Principal litigants, court, date and case no. \_\_\_\_\_
- D.  Right to withdraw groundwater. Grandfathered Right No. \_\_\_\_\_
- E.  Other, describe: purchased property in 2008 w/ records on well

3. Source of Water:

- A.  Stream: name \_\_\_\_\_, tributary to \_\_\_\_\_
- B.  Spring: name \_\_\_\_\_, tributary to \_\_\_\_\_
- C.  Lake or Reservoir: name \_\_\_\_\_, tributary to \_\_\_\_\_
- D.  Groundwater.

4. Legal description of the Point of Diversion: (attach additional sheet if required)

\_\_\_\_\_/4, \_\_\_\_/4, \_\_\_\_/4, Section \_\_\_\_\_, Township \_\_\_\_\_ N/S, Range \_\_\_\_\_ E/W  
Parcel # 209-53-00101

5. If there are Stockpond, Domestic or Other Uses also supplied from the point of diversion, describe:

not at point of diversion

6. Means of Diversion:

- A.  Instream pump.
- B.  Gravity flow into a ditch, canal or pipeline.
- C.  Well: Arizona Department of Water Resources Well Registration No. 55-613-635
- D.  Other, describe: \_\_\_\_\_

7. Means of Conveyance:

- A.  Ditch, canal or pipeline. If the means of conveyance is owned and/or operated by some other entity, please give name and address: \_\_\_\_\_
- B.  Other, describe: \_\_\_\_\_

8. Place(s) of Use, Annual Water Use and Claimed Priority Date(s): (attach additional sheet if required)

County	Legal Subdivision	Section	Township	Range	Acres	Annual Water Use (acre-feet)	Claimed Priority Date (month/day/year)
	Parcel # 209-53-00101		N/S	E/W			
	209-53-00685		N/S	E/W			
			N/S	E/W			

9. Claimed Right:
- A. Maximum Flow Rate: 1000
    - cubic-feet per second
    - gallons per minute
    - Arizona miner's inches
  - B. Annual Volume of Water Use: 6,517,020 ? acre-feet
  - C. Storage Right: \_\_\_\_\_ acre-feet

10. Attach photographs, maps or sketches necessary to show the point(s) of diversion, storage reservoir(s) means of conveyance and place(s) of use.

11. It may be necessary for a representative from the Department of Water Resources to inspect the diversion, conveyance and place of use. Your signature following will grant permission to enter your property for the purpose of inspection: Signature of Claimant Jean L. Naegle

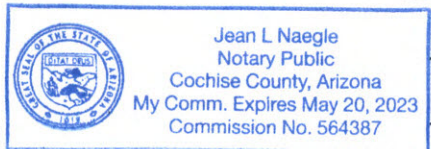
12. Should it be necessary for a representative of the Department to contact you as the claimant or your representative, are there any special instructions regarding time of day or address to aid in locating the specified person? Call First

13. Additional comments: I want at least about 15 Acres of pasture for livestock w/ 2 drinkers

(attach additional sheet if required)

14. Attach Filing Fee to Form. Mail form(s) and filing fee(s) to:  
 AZ DEPT OF WATER RESOURCES  
 ADJUDICATIONS  
 PO BOX 36020  
 PHOENIX AZ 85067-6020

15. Notarized Statement:  
 I, Jean L. Naegle, the claimant(s) named in this claim, do hereby certify under penalty of perjury, that the information contained and statements made herein are to the best of my (our) knowledge and belief true, correct and complete.



(seal)  
May 20, 2023  
 My Commission Expires

Jean L. Naegle  
 Notary Public

**RECEIVED**

or, \_\_\_\_\_  
 Authorized Personnel of the Department of Water Resources

OCT 18. 2020

**COPY**

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

09/10/2020

**RECEIVED**

CLERK OF THE COURT  
Form V000

OCT 18 2020

SPECIAL WATER MASTER  
SUSAN WARD HARRIS

ARIZONA DEPARTMENT OF WATER RESOURCES  
ADJUDICATIONS

S. Ortega  
Deputy

W-1, W-2, W-3, W-4 (Consolidated)  
Contested Case No. W1-11-2726

FILED: 09/30/2020

In Re The General Adjudication of  
All Rights to Use Water in the Gila  
River System and Source

Rec'd

10/07/2020

Re: Status Conference *In re David and Fay Gard*

**MINUTE ENTRY**

Courtroom CCB - 301

3:00 p.m. This is the time set for a telephonic Status Conference before Special Water Master Susan Ward Harris.

The following attorneys telephonically appear: Kimberly R. Parks and Leandra Marshall observing on behalf of the Arizona Department of Water Resources ("ADWR"); Bradley Pew on behalf of ASARCO; John D. Burnside on behalf of BHP Copper; Laurel A. Herrmann on behalf of San Carlos Apache Tribe; Lucas Christian on behalf of Tonto Apache Tribe; Robin Interpreter on behalf of Yavapai-Apache Nation; and Mark A. McGinnis and Michael K. Foy on behalf of Salt River Project ("SRP").

The following parties telephonically appear: Joel Quisenberry and Donna Quisenberry

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



Discussion is held. The Court directs the Quisenberrys to contact ADWR to find out the process of filing a Statement of Claimant to claim water rights. A Statement of Claimant shall be filed by the Quisenberrys by **October 12, 2020**. After the Court receives the Statement of Claimant by the Quisenberrys, the Court will set another telephonic status conference to review the type of water rights the Quisenberrys are claiming.

3:05 p.m. Matter concludes.

A copy of this order is mailed to all persons listed on the Court approved mailing list for Contested Case Number W1-11-2726.

**RECEIVED**

OCT 18 2020

ARIZONA DEPARTMENT OF WATER RESOURCES  
ADJUDICATIONS

**Arizona Department of Water Resources**

1110 West Washington Street, Suite 310

Phoenix AZ 85007

Customer:

JOEL A QUISENBERRY  
DONNA A QUISENBERRY  
5362 N CASCABEL RD  
BENSON, AZ 85602

Receipt #: 21-76511  
Office: MAIN OFFICE  
Receipt Date: 10/20/2020  
Sale Type: Mail  
Cashier: WRMYS

Item No.	Function Code	AOBJ	Description	Ref ID	Qty	Unit Price	Ext Price
4	411622	4318-00	GILA RIVER WATER RIGHTS ADJ	55-613635	1	20.00	20.00
<b>RECEIPT TOTAL:</b>							<b>20.00</b>

Payment type: CHECK

Amount Paid: \$20.00

Payment Received Date: 10/20/2020

Check #	4478
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Notes: