

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

7/19/18

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

L. Stogsdill

Deputy

In Re: Bowers
Contested Case No. W1-11-3318

FILED: 08/21/2018

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

Courtroom: CCB 301

1:30 p.m. This is the time set for status conferences in Contested Case Nos. W1-11-3317 and W1-11-3318.

The following attorneys and parties appear telephonically: F. Patrick Barry on behalf of the United States Department of Justice; Kimberly R. Parks on behalf of the Arizona Department of Water Resources (ADWR); Joe P. Sparks on behalf of the San Carlos and Apache Tribe and the Tonto Apache Tribe and Jay Tomkus on behalf of the Pascua Yaqui Tribe and the Yavapai-Apache Nation.

The following attorneys and parties appear in-person: Jeffrey R. Heilman and Mark A. McGinnis on behalf of the Salt River Project; Nathan Young and Russell Richardson each appearing on his own behalf.

Court reporter, Barbara Stockford, is present and a record of these proceedings is made digitally.

The Court advises Mr. Young and counsel of Mr. Spark's objection regarding the water rights attached to the subject property purchased by Mr. Young.

Mr. Young addresses the Court regarding his ownership of the property and any water rights.

Mr. Sparks states that Mr. Young and his family have done a very good job of demonstrating the history all the way back to the patent. Originally there were 14 acres of irrigated land proven up in the patent and under the Homestead Act. He is now concerned about the location of the 14 acres of irrigated land because the land has been subdivided for the benefit of the Young family and the current owners. Mr. Sparks stated that the patent includes 120 acres which are all located in section 34.

The Court advises Mr. Sparks that ADWR reported the amount of irrigated land in watershed file reports 115-04-ADB-003, 115-04-ADB-006, 115-04-ADB-007, 115-04-ADB-008, 115-04-ADB-009, and 115-04-ADB-010.

Mr. Young believes he currently irrigates less than 1.1 acres. He has done more irrigating in the past but has not replaced trees because of this lawsuit and he wants to continue irrigating as he has done in the past.

For the reasons stated on the record,

Irrigation rights are discussed.

1:44 p.m. Mr. Richardson is now present.

The Court advises Mr. Young and Mr. Richardson that ADWR will prepare a map with an aerial view of the outlines of their property.

Ms. Parks advises the Court and parties about the map to be provided which she believes contains an aerial view of their respective properties including the boundaries.

Mr. Sparks advises Mr. Young that he does not have an issue with Mr. Young replacing the trees that have died and continuing irrigation.

Mr. Richardson states he irrigates his entire parcel. Mr. Richardson addresses the Court regarding his property and the irrigation rights thereto. Mr. Richardson states he irrigates his entire parcel which includes land located in Section 3 Township 7S Range 17E.

Mr. Richardson is advised that he needs to find the patent that includes the land included in Section 3. Mr. Sparks advises there should be a recorded copy of the patent for the portion of Section 3 discussed and accompanying affidavits for the patent. The Court will review the watershed file reports to determine the watershed file report that includes Section 3.

Mr. McGinnis does not have any objections to the Court's suggestion.

2:03 p.m. It appears that the people on the phone were disconnected.

For the reasons stated on the record,

The Court proposes the following:

1. The Court will prepare abstracts of the domestic water use for Mr. Young and Mr. Richardson's properties. The abstracts will be provided to all parties for their review.
2. Once the parties review the abstracts, the Court will send the abstracts to ADWR for its review of the legal descriptions.
3. ADWR will prepare a map of the parcels owned by Mr. Young and Mr. Richardson who will have until **October 19, 2018** days to confirm that the location of the well providing water for domestic use is accurate.
4. Mr. Young and Mr. Richardson shall label the maps prepared by ADWR with the GPS coordinates for the corners of their properties and submit the maps to the Court by **October 19, 2018**. The maps will then be attached to a proposed abstract prepared by the Court.
5. Mr. Young and Mr. Richardson will provide the Court with the maximum diversion rate in gallons per minute or cfs from the creek for irrigation purposes by **October 19, 2018**.

2:09 p.m. LET THE RECORD REFLECT that counsel is back on the telephone.

Mr. Sparks stated that he is looking for a maximum diversion rate, total diversion quantity, and location of irrigated land.

Ms. Parks advises Court and counsel that it will take a couple of weeks to prepare the maps.

IT IS ORDERED that ADWR will provide a map of the land in WFR 115-04-ADB-008 to the Court by **August 20, 2018**.

2:15 p.m. Matter concludes.

A copy of this order is mailed to all persons listed on the Court approved mailing list for Contested Case No. W1-11-3318.