

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

08/18/2021

CLERK OF THE COURT

SPECIAL WATER MASTER  
SUSAN WARD HARRIS

L. Brown

Deputy

In re: David T. & Marilyn Lee et. al  
Contested Case W1-11-3422

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

FILED:  
08/20/2021

**MINUTE ENTRY**

**Courtroom CCB 301**

3:30 p.m. This is the time set for a Status Conference before Special Master Susan Ward Harris.

W-1, W-2, W-3 and W-4 (Consolidated)

The following attorneys and parties appear telephonically:

- Rhett Billingsley on behalf of ASARCO, LLC
- Tom Murphy on behalf of Gila Indian River Community
- David Brown on behalf of Roy G. and Yvonne Haught, and Allison Randle and Clayton Randle, as trustees
- Mark McGinnis and Michael Foy on behalf of Salt River Project (“SRP”)
- Joe Sparks on behalf of the San Carlos Apache Tribe
- John Burnside on behalf of BHP Copper
- Richard Holcomb, assisted by Anna Magoffin due to Mr. Holcomb’s hearing problems
- Kimberly Parks on behalf of Arizona Department of Water Resources (“ADWR”)
- Richard Palmer on behalf of the Tonto Apache Tribe
- Sue Montgomery on behalf of the Yavapai-Apache Nation (and observing on behalf of the Pascua Yaqui Tribe)

Mr. Brown addresses the Court and states that he needs to access the National Archives, but has been unable to get through. They have been told it could be 60 – 90 days to get access to the archives. Until he gets the requested documents he cannot proceed with the case. He may have to file a new underlying claims and new 39 filings and this case may need to be put off for about five months.

The Court advised Mr. Brown that in this case there are certificates of water rights for water use on the property included in the Watershed File Report. Mr. Brown acknowledged that he understands, but he believes there is a pre-1919 water right.

The Court asked Mr. Holcomb if he will base his claims on a patent from the National Archives or the filed water certificates on the certificate of water rights. Mr. Holcomb addressed the Court. He stated he will move forward. The Court asked Mr. Holcomb if he had a way to contact the Indian Springs Ranch Partnership because there are certificates of water rights that have been issued by ADWR for use of water on the property that were assigned to Indian Springs Ranch Partnership.

Ms. Magoffin stated that the ADWR files, they say that they are not for use, they were not transferred correctly so you have to reapply to get those certificates.

Mrs. Parks addressed the Court. She stated she is not familiar with the situation.

The Court requested that Mrs. Parks look into the status of the certificate of water rights and file a report within 30 days of today's hearing.

The Court will set another Status Conference in about 60 days after the information is received from ADWR and Mr. Holcomb can then make a decision as to how he wants to proceed.

Mr. Brown is not sure that the certificate covers all of the acreage, so he wants to look for a patent.

Mr. Holcomb stated he did file a statement of claimant and statement of claim that were notarized on or about June 8, 2021.

**IT IS ORDERED** that a Status Conference will be set in January 2022.

3:42 p.m. Matter concludes.

LATER:

**Roy G. and Yvonne Haught, and Allison Randle and Clayton Randle, as trustees**

Upon further consideration, a status conference in January 2022 is not necessary for the claims that will be made by landowners Roy G. and Yvonne Haught, and Allison Randle and Clayton Randle, as trustees. Instead, counsel for Roy G. and Yvonne Haught, and Allison Randle and Clayton Randle, as trustees, will either file a status report or stipulated abstracts by **January 10, 2022**.

**Richard B. Holcomb and Karen C. Holcomb, trustees of the Holcomb Family Trust**

Based on the public records of Arizona Department of Water Resources, Mr. Holcomb has filed Statements of Claimant 39-18183, 39-18184, and 39-18185 as trustee for the Holcomb Family Trust for domestic, irrigation and stock watering uses. Mr. Holcomb also filed Statement of Claim 36-106044.

Statement of Claimant 39-18183 claims one acre foot of water annually for domestic use. Statement of Claimant 39-18184 claims 270 acre feet of water annually to irrigate 44.5 acres of land. Statement of Claimant 39-18185 claims water in the quantity of “reasonable use” for stockwatering. Each Statement of Claimant lists a May 21, 1889 priority date based on land patent AZAZAA 011971 for 160 acres in the south half of the northeastern quarter of section 7, T8S R21E and the eastern half of the southeastern quarter of section 7, T8S R21E in Graham County.

The Arizona Department of Water Resources issued Certificates of Water 85239 and 85240 for irrigation, stockwatering, and domestic use of water in the northeastern and southeastern quarters of Section 7 T8S R21E with a 1980 priority date that were subsequently assigned to Indian Springs Ranch Partnership. The public records of Arizona Department of Water Resources provide information about the certificates, including the current status of the certificates, which is duplicated in part below:

NAME	ADDRESS	REG NO	STATUS	PERMIT NO	CERT NO	SOURCE
INDIAN SPRINGS RANCH PRTSHP	P O BOX 5043 SILVER CITY, NM 88062	33-85239.1	ACTIVE - FULL ASSIGNMENT	85239	85239	ARAVAIPA CREEK
INDIAN SPRINGS RANCH PRTSHP	P O BOX 5043 SILVER CITY, NM 88062	33-85239.1	ACTIVE - FULL ASSIGNMENT	85239	85239	ARAVAIPA CREEK
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INDIAN SPRINGS RANCH PRTSHP	P O BOX 5043 SILVER CITY, NM 88062	33-85240.1	ACTIVE - FULL ASSIGNMENT	85240	85240	ARAVAIPA CREEK
INDIAN SPRINGS RANCH PRTSHP	P O BOX 5043 SILVER CITY, NM 88062	33-85240.1	ACTIVE - FULL ASSIGNMENT	85240	85240	ARAVAIPA CREEK

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Based upon the filings made by Mr. Holcomb and the fact that none of the Statements of Claimant or Statements of Claim rely on the issued permits and certificates, no reason exists for counsel for Arizona Department of Water Resources to provide a report about the status of the certificates for water rights. Accordingly, the order for ADWR to file a report as set forth above within thirty days is VACATED.

Mr. Holcomb shall provide copies of Patent AZAZAA 011971 and any other documents such as Affidavits of Homestead that relate to the patent currently in his possession to all parties in this case by **September 17, 2021**. A copy of the mailing list is attached. The documents shall not be filed with the Clerk of the Court or provided to the special master. By **October 1, 2021**, Mr. Holcomb and the Objectors shall jointly discuss, by a telephonic conference call or on a computer platform such as Zoom, GotoMeeting or any other platform available to all parties, as all parties mutually agree, the documents provided by Mr. Holcomb. The purpose of the discussion is to determine whether the objections can be resolved and a settlement reached on the claims for water rights made by the trustee of the Holcomb Family Trust.

A status conference shall be held on **October 14, 2021 at 3:00 p.m.** The status conference shall be held on Court Connect in accordance with the instructions on the attached sheet. Parties may also appear telephonically as follows:

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.

*Ex parte* communications with the court about this case are forbidden.

A copy of this order is mailed to all parties on the Court-approved mailing list for this contested case. The following page is a copy of the mailing list except it does not include the Clerk of Court or the Special Master.

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