

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

07/17/2019

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

A. Hatfield

Deputy

In re: City of Tombstone
Contested Case No. W1-11-0473

FILED: 07/23/2019

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

2:00 p.m. This is the time set for a status conference before Special Master Susan Ward Harris.

The following attorneys appear in-person: William Anger on behalf of the City of Mesa; Alexandra Arboleda on behalf of the City of Tombstone; Charles Cahoy on behalf of the City of Phoenix; and Mark McGinnis on behalf of Salt River Project.

The following attorneys appear telephonically: Laurel Herrmann on behalf of San Carlos Apache Tribe and Tonto Apache Tribe; Kimberly Parks on behalf of Arizona Department of Water Resources ("ADWR"); Bradley Pew on behalf of ASARCO; William Sullivan on behalf of Pueblo Del Sol Water Company; and Jay Tomkus on behalf of Pascua Yaqui Tribe and Yavapai-Apache Nation.

Court reporter, Janell Rose, is present and a record of these proceedings is made digitally.

The Court states that it is aware that there are several parties that have not received notice in the mail of status conferences. The Court is working with the distribution section of the court to resolve the issue. All hearings and conferences in the adjudication are listed on the web page for the General Adjudications, which is updated each week.

Ms. Arboleda states that the City of Tombstone (“the City”) has four wells that are located outside the subflow zone and proposes staying the adjudication of this case until approval of the subflow depletion test.

Additionally, the Watershed File Reports (“WFR”) were prepared in 1991 and the City has filed amendments of its claims in 2012 and 2013. The City of Tombstone would like to meet with ADWR to update the WFRs and to discuss the status of the amendments and determine if anything else needs to be done with respect to its claims.

Discussion is held regarding the City’s claims which consist of four wells, 25 springs in the Huachuca Mountains, and a diversion with a sump pump that is for emergency purposes. The purpose of the water for which claims are made for water rights is municipal use.

Ms. Parks has no objection to staying the adjudication on the four wells outside the subflow zone until the subflow depletion test is completed.

At this time, the Court will only focus on the springs.

Ms. Arboleda states that the City is interested in the possibility of settlement of the claims for the springs, and responds to the Court’s questions regarding the amendment of the statements of claimant filed in 2012 and 2013.

Further discussion is held regarding possible significant legal issues of first impression regarding municipal uses.

IT IS ORDERED that the issues in regards to the wells are stayed. The Court will focus solely on water rights for which the springs are the source of water. The parties are to meet and engage in settlement discussions.

Further discussion is held regarding abstracts. Mr. McGinnis states that only partial abstracts can be completed at this time because claims dependent on the wells as water sources will be stayed. The Court is not expecting complete abstracts for the reasons explained on the record.

IT IS FURTHER ORDERED that the City of Tombstone will file a status report by **October 15, 2019**.

2:30 p.m. Matter concludes.

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