

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

09/25/2019

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

A. Hatfield

Deputy

In re: Pima County Flood Control District
Contested Case No. W1-11-2690

FILED: 10/4/2019

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: Telephonic Status Conference

MINUTE ENTRY

Courtroom: CCB 301

1:30 p.m. This is the time set for a telephonic status conference to determine the status of a settlement.

The following attorneys and parties appear telephonically: Neil Blackford, representative of Tucson Faith Christian Church; John Burnside on behalf of BHP Copper; Lucas Christian on behalf of the Tonto Apache Tribe; Kevin Crestin on behalf of the AZ State Land Department; Michael Foy on behalf of the Salt River Project; Robyn Interpreter on behalf of the Yavapai-Apache Nation; Michael LeBlanc on behalf of Pima County Flood Control District ("the District"); Bradley Pew on behalf of ASARCO; and Joe Sparks on behalf of the San Carlos Apache Tribe.

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

The Court states that there are three outstanding issues.

The first issue is concerns the proposed abstract for WFR 113-12-021-SW002 for Edgar Creek. Arizona Department of Water Resources (ADWR) will file a report on the water use described in the abstract shortly. Mr. Leblanc states that there isn't anything else outstanding for WFR 113-12-021 and that there is a field visit scheduled between a representative from the District and ADWR at the site of the spring.

The second issue involves the abstract for WFR 113-12-BA-013-DM002. This is a domestic use and ADWR has reviewed the abstract. Pima County has filed a notice that it had no objections to ADWR's revisions. The abstract is to be distributed to the parties for corrections.

The Court inquires if any of the parties on the telephone believe there are any issues outstanding that the Court hasn't mentioned with regard to any Watershed File Report (WFR) other than WFR 113-12-BA-013. There are no objections from any of the parties.

The Court states that it has received the stipulated agreement to irrigation rights #1 and #2 under that WFR 113-12-BA-013. The Court will approve the proposed abstracts submitted as part of the agreement.

The Court believes that the last outstanding issue is domestic use #1 under that WFR. The Court further inquires if the parties if they believe there are any other issues outstanding other than the domestic use #1 under WFR 113-12-BA-013. There are no objections from any of the parties.

Pima County has taken the position that it does not claim domestic use #1. Domestic use #1 according to ADWR's report is on property owned by Tucson Faith Christian Church. The church has filed a statement of claimant but it is for an irrigation use and not domestic use.

Mr. Blackford, representative of the church, states that the church does not intend to claim a domestic use for the well that ADWR found on this property in 1980.

The Court states that the SOC filed by the church will be investigated in the future by ADWR but the Court will take no action in this case with regard to the claim filed by the church. The Court will not issue an abstract with respect to domestic use #1. Mr. Blackford has no objection.

Mr. Leblanc states that there are no outstanding issues with regards to this case.

Ms. Interpreter states that the Yavapai-Apache Nation has filed a notice of withdrawal of their objections and a motion to remain on the Court-approved mailing list on September 17, 2019. Ms. Interpreter further states that a proposed order was attached. The Court will follow-up on the status of the order.

1:36 p.m. Matter concludes.

LATER:

Pursuant to the Memorandum Decision, Findings of Fact, and Conclusions of Law for Group 1 Cases involving Stockwatering, Stockponds, and Domestic Uses, dated November 14, 1994, amended February 23, 1995, approved and modified September 27,

2002 (“Decision”) the proposed abstract for 113-12-BA-013-DM002 is attached to this minute entry for the purpose of distribution of the parties.

IT IS ORDERED that the any suggested corrections to the proposed abstract shall be filed on or before **December 2, 2019**.

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

**Abstract of Water Right
San Pedro Watershed**

1. Proposed Water Right No:	113-12-BA-013-DM002
2. Owner of Water Right:	Pima County Regional Flood Control District
3. Landowner:	Pima County Regional Flood Control District
4. Statement of Claimant No.(s):	39-2764
5. Statement of Claimant Name(s):	Pima County Regional Flood Control District
6. Lessee or Permittee:	Jack Kelly and Lois Kelly (Life Estate)
7. Basis of Right:	36-27655
8. Beneficial Use:	Domestic
9. Priority Date:	11/18/1879
10. Quantity:	Not to exceed 1 acre-foot per year (<i>de minimis</i>) Maximum pump capacity: 20 gallons per minute
11. Place of Use*:	NWNWNW 26 T11S R18E
12. Points of Diversion*:	Well 55-624855 NWNWNW 26 T11S R18E
13. Source of Water:	San Pedro River
14. Name of Facility:	House well