

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

Date 12/12/2019

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

A. Hatfield

Deputy

In re: Ramon and Sandra Ochoa
Contested Case No. W1-11-3203

FILED: 12/24/2019

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

1:45 p.m. This is the time set for a Status Conference to consider the claims and resolve objections to Watershed File Report (“WFR”) 114-04-BDD-031.

The following attorneys appear in-person: Michael Foy on behalf of Salt River Project (“SRP”); and Rhett Billingsley on behalf of ASARCO.

The following attorneys and parties appear telephonically: Landowner Ramon Ochoa on his own behalf; John Burnside on behalf of BHP Copper; Lucas Christian on behalf of Tonto Apache Tribe; Laurel Herrmann on behalf of San Carlos Apache Tribe; Susan Montgomery on behalf of Yavapai-Apache Nation; and Kimberly Parks on behalf of Arizona Department of Water Resources (“ADWR”).

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

The Court addresses Mr. Ochoa regarding the property that he owns for which he filed a claim for water rights.

Mr. Ochoa states his interest in pursuing the claim for water rights. He agrees to a meeting with the objectors and Arizona Department of Water Resources.

There being no objection from the other parties,

IT IS ORDERED directing Ms. Parks to schedule a meeting with ADWR, the objectors and Mr. and Mrs. Ochoa by **March 31, 2020**.

1:51 p.m. Matter concludes.

LATER:

General Explanation of Court Proceeding.

In Arizona, people, businesses, Indian tribes, the state and federal government, and non-profit organizations can acquire rights to water from lakes, ponds, springs, streams, canyons, ravines, other natural surface channels, definite underground channels, and subflow. Water from these sources is known as “appropriable water”. As demand increased over the past century for water in Arizona, with the potential for conflict, it became clear that it was necessary to examine all of the claims to rights to appropriable water to establish valid legal rights to water that could be protected and enforced by the owners of the water rights.

The Arizona legislature enacted a procedure to allow water users to come into court and require the court to determine their legal water rights. The procedure is known as a general adjudication. The purpose of the general adjudication is to examine claims for water rights and define those rights. Many western states use general adjudications to determine water rights. General adjudications in some areas of the United States have been completed and others are still in process.

In 1974, a water user in Arizona started this General Adjudication. The Arizona Supreme Court stated that in this General Adjudication all claims made to water must be examined and rights established. This General Adjudication includes claims to water rights in the San Pedro river watershed.

In the San Pedro watershed, more than a hundred thousand claims have been made for water for uses such as domestic, irrigation, stock watering, mining, and stockponds. The court will establish the water rights of those person, known as Claimants, who have filed a document titled “Statement of Claimant”. A Statement of Claimant can include more than one claim for a water right. The failure to file a Statement of Claimant can result in the forfeiture of a right to use appropriable water. It is important that a person seeking a water right file a Statement of Claimant, have a Statement of Claimant filed on his or her behalf, or obtain an assignment of an existing Statement of Claimant. In this case Ramon and Sandy Ochoa have filed a Statement of Claimant and they are Claimants.

As part of the process of the General Adjudication, Arizona Department of Water Resources investigated the claims made in the Statement of Claimant filed by Ramon and Sandy Ochoa and prepared a report. A copy of that report was attached to the order dated

November 5, 2019. Once the report is prepared, then other water users who have filed Statements of Claimant may file objections to the report prepared by Arizona Department of Water Resources. Objections to the report have been filed and may be obtained by request from the Arizona Department of Water Resources.

The current phase of the proceeding requires the court to make a determination about the water rights claimed in the Statement of Claimant filed by Ramon and Sandy Ochoa, the potential water rights shown in the report prepared by Arizona Department of Water Resources, and the validity of the objections to the report. As part of that process, the Claimants can choose to meet informally with the water users who filed objections to the report prepared by Arizona Department of Water Resources to determine whether the objections can be resolved and the parties agree on a set of water rights for the Claimants. Absent an agreement by the parties, a date for a hearing will be set at which time all parties will have the opportunity to present witnesses and evidence to support either their claims for water rights or their objections to the report.

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