

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

1/22/2021

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN WARD HARRIS

S. Motzer
Deputy

In re: Manuela Franco
Contested Case No. W1-11-3239

FILED: 01/29/2021

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

Central Court Building – Courtroom 301

2:30 p.m. This is the time set for a Status Conference before Special Water Master Susan Ward Harris. The parties appear telephonically.

The following attorneys appear telephonically: Michael Foy on behalf of Salt River Project, Luke Christian on behalf of Tonto Apache Tribe, Laurel A. Herrmann and Joe Sparks on behalf of the San Carlos Apache Tribe, Kimberly R. Parks on behalf of Arizona Department of Water Resources, John Burnside on behalf of BHP Copper, and Bradley Pew on behalf of ASARCO. Francisco and Anna Estrada are neither present nor represented by counsel.

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

Ms. Herrmann stated after filing the Status Report, all of the parties, including the Estradas, agreed to the proposed abstracts. She further states that they have provided a Proposed Form of Stipulation and Abstract to the parties. She has not heard from the Estradas about the Proposed Form of Stipulation. Ms. Herrmann reported that before a stipulation can be completed, a map of the irrigated land must be provided.

IT IS ORDERED that ADWR shall prepare an aerial map of the land included within the boundaries of Watershed File Report 114-04-DBC-006 that labels the well located on the land. The map shall include an overlay showing the section, township and range in which the land is located. The map shall be distributed to the parties by **March 12, 2021**.

The Court states that if a form of a stipulated order and proposed abstracts are not agreed to by the parties, it will proceed with scheduling a trial with no further status conferences being set.

2:37 p.m. Matter concludes.

LATER:

This case involves a Statement of Claimant filed by Manuela Franco. At the August 28, 2020 status conference, Ms. Franco agreed to assign the Statement of Claimant. The public records of ADWR do not contain an assignment of Statement of Claimant 39-12960.

Based on the representations made by the parties who have attended the Status Conferences, the parties have agreed to proposed abstracts that define water rights that will be owned by Francisco and Anna Estrada. Before the proposed abstracts can be approved, a map showing the irrigated land must be completed and attached to the proposed abstracts.

All of the parties have not signed a document known as a stipulation, which is the parties' formal agreement to the proposed abstracts. Because the stipulation has not been signed and filed with the court, all of the objections to the potential water rights are still in effect.

The following steps must be taken in this case to complete a settlement of the objections to the potential water rights:

1. An assignment of Statement of Claimant 39-12960 from Manuela Franco must be signed by Manuela Franco and Francisco and Anna Estrada. The form of assignment can be obtained from the Arizona Department of Water Resources' website:
<https://new.azwater.gov/sites/default/files/GILAassignment-fillable.pdf>.
Mrs. Franco's address is 44344 West Rhinestone Road, Maricopa, Arizona 85139. After the assignment is filed, Mrs. Franco will no longer be a party in this case.
2. If Francisco and Anna Estrada desire to settle the objections in this case, a map of the irrigated land must be prepared. The Arizona Department of Water Resources will provide a map of the land by **March 12, 2021**.

Francisco and Anna Estrada must use that map to draw the boundaries of the irrigated land and insert GPS coordinates at the corners of the irrigated land.

3. If Francisco and Anna Estrada desire to settle the objections in this case, Francisco and Anna Estrada must provide the completed map to all of the parties in this case. A list of the current parties and their addresses is provided below.
4. A settlement of the case requires that all of the parties sign a Stipulation agreeing to the proposed abstracts and the map and file it with the court.

If a Proposed Form of Stipulation along with abstracts and a map is not filed by **May 3, 2021**, then it will be assumed that the parties could not or did not want to settle the objections to proposed water rights. If a settlement acceptable to all of the parties cannot be reached, the objections to the potential water rights and the claims for any water rights that Francisco and Anna Estrada pursue will be decided after a trial. At the trial, the parties will have the opportunity to present evidence regarding their claims and objections.

IT IS FURTHER ORDERED that if the parties are not able to settle the objections to the potential water rights, the following schedule shall apply:

	<u>Due Date</u>
Disclosure Statements	July 16, 2021
Discovery deadline	December 6, 2021
Trial	February 21, 2022

The parties and/or counsel for the parties currently involved in this case are:

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