

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

07/18/2019

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

A. Hatfield

Deputy

In re: Ouillette
Contested Case No. W1-11-3322

FILED: 07/25/2019

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

2:08 p.m. This is the time set for a status conference before Special Master Susan Ward Harris to resolve objections to Watershed File Report (“WFR”) 115-04-ADC-003.

The following attorneys appear in-person: David Brown on behalf of landowners Julia Pemberton and Holly Pemberton; Mark McGinnis on behalf of Salt River Project; and Joe Sparks on behalf of San Carlos Apache Tribe and Tonto Apache Tribe.

The following attorneys appear telephonically: John Burnside on behalf of BHP Copper; Kimberly Parks on behalf of Arizona Department of Water Resources; Bradley Pew on behalf of ASARCO; and Jay Tomkus on behalf of Pascua Yaqui Tribe and Yavapai-Apache Nation.

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

The Court states that ADWR prepared a map which shows the location of the well. The well is located outside the subflow zone. The Court is inclined to stay this case pending the completion of the subflow depletion test.

Mr. Brown and Mr. McGinnis have no objection to staying this case.

Discussion is held regarding priority date of the well. Mr. Brown requests 60 days to conduct additional research to determine if his clients have a surface water right.

Mr. Sparks states that where there has been a change in the point of diversion from the river, canal or substitute river pump to a well each landowner should have applied for a transfer of point of diversion under state law. Further discussion is held whether ADWR has a process for transfers of points of diversion.

Discussion continues including discussion of a judicial approval of a change of point of diversion.

IT IS ORDERED that Mr. Brown shall file by **September 16, 2019**, a notice of intent to claim a surface water right. In the absence of such a filing, the case will be stayed until the subflow depletion test has been approved.

2:22 p.m. Matter concludes.

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