

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

11/01/2019

CLERK OF THE COURT  
FORM V000

SPECIAL WATER MASTER  
SUSAN HARRIS

A. Hatfield

Deputy

In re: Sandra Fraser, Daniel and Cindy Tapia,  
and Norma Luepke  
Contested Case No. W1-11-3380

**FILED: 11/07/2019**

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**

2:41 p.m. This is the time set for a status conference before Special Master Susan Harris.

The following attorneys and parties appear in-person: David Brown on behalf of Sandra Fraser, Daniel and Cindy Tapia, Norma Tapia, and John Robert Tapia Luepke; and Mark McGinnis on behalf of SRP.

The following attorneys and parties appear telephonically: Charles Cahoy on behalf of the City of Phoenix; Carla Consoli on behalf of the Arizona Chapter of the Nature Conservancy; Laurel Herrmann on behalf of the San Carlos Apache Tribe; Julian Nava on behalf of the Tonto Apache Tribe; Kimberly Parks on behalf of the Arizona Department of Water Resources (ADWR); and Jay Tomkus on behalf of the Yavapai-Apache Nation.

Court reporter, Marylynn Lemoine, is present and a record of these proceedings is made digitally.

The Court states that ADWR has issues with priority dates on the abstracts.

Mr. Brown states that the priority date stems from the same owner originally. The abstracts have been amended to reflect the priority date of 1885.

Ms. Parks states that ADWR reviews the 36- and 39- underlying filings to see whether or not they match the current abstract and so if the amended statement of claim does reflect the new priority date then ADWR would have no issue with the abstracts.

Mr. Brown addresses the ADWR's objection regarding the quantities of water used. The amount has been changed to 61 acre-feet.

Ms. Parks states that ADWR wasn't objecting to the quantities but pointing out that the quantities are different and that the 36- filing does not specify how that quantity is broken out amongst the different uses.

The Court states that the final issue involves the point of diversion and asks if it has been corrected.

Mr. Brown states that the 36- filing has been amended to reflect that the changes to the points of diversion were the in-stream pump and the wells. Discussion is held.

The Court suggests that the proposed abstracts be sent out to the Objectors for their comments and then submitted to ADWR for review.

Mr. Brown states that SRP and San Carlos Apache Tribe have reviewed the amended abstracts.

Mr. Tomkus states he has reviewed the abstracts and has updated his clients on that and has recommended that the clients agree. Mr. Tomkus has not heard back from his clients.

Mr. Cahoy has reviewed the earlier drafts but not the amended drafts.

IT IS ORDERED that Mr. Brown shall file an executed Stipulation, Withdrawal of Objections, and Request that the Special Master Approve Proposed Water Right Abstract along with a form of order by **November 15, 2019**. If an objecting party declines to sign the Stipulation, that party shall file a report setting forth the reasons for not withdrawing its objections by November 15, 2019.

Mr. Brown is directed to submit the proposed amended abstracts so the Court can review them.

Mr. Brown states that in the future he will send copies of the proposed abstracts to ADWR and the Court along with the Objectors.

The Court inquires if any of the parties have objections to the procedure. None of the parties in the courtroom or on the telephone have any objections.

2:50 p.m. Matter concludes.

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