

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

September 12, 2019

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN HARRIS

T. DeRaddo

Deputy

In Re: Elizabeth Hilliard,
Contested Case No. W1-11-3385

FILED: 9/23/19

In Re: The General Adjudication
of All Rights to Use Water in the
Gila River System and Source

In re: Status Conference

MINUTE ENTRY

Courtroom: CCB 301

1:41 p.m. This is the time set for a status conference involving Watershed File Report 115-05-AC-006.

Counsel, Mark McGinnis appears in person on behalf of Salt River Project.

Also present are land owners, Jan Rogers, trustee of the Greta Bergen Trust; Larri Tearman (trust beneficiary/successor trustee), Mark Allen, trustee of the Logene Allen Trust, and Tim Rogers.

The following attorneys and parties appear telephonically:

- John Frazone, land owner
- Elizabeth Hilliard, former land owner
- Brad Pew on behalf of ASARCO
- Carla A. Consoli on behalf of the AZ Chapter of the Nature Conservancy
- Lucas Christian on behalf of the Tonto Apache Tribe
- Laurel A. Herrmann on behalf of the San Carlos Apache Tribe
- John D. Burnside on behalf of BHP Copper
- Kimberly Parks on behalf of Arizona Department of Water Resources (ADWR)
- Jay Tomkus on behalf of the Yavapai Apache Nation and observing on behalf of the Pascua Yaqui Tribe

A partial recording of the proceedings is made by FTR, and no Court Reporter is present.

Discussion is held regarding the status of the case.

Ms. Hilliard reports that she filed a Statement of Claimant (SOC), and that she sold her property to Mr. Franzone. Ms. Hilliard states that she is unsure if she assigned her water rights to Mr. Franzone. Mr. Franzone states that he will look for any paperwork he may have regarding an assignment of rights to him. Ms. Hilliard states that she did not have the correct description of her property when she sold it to Mr. Franzone. Mr. Franzone states that he believes that ADWR mislabeled the well on his land.

Mr. Franzone states that he intends to make no claims for his property for irrigation rights, and states that he owns the well on his property (10 acres).

Mr. McGinnis addresses the court and requests that the Statements of Claimant at issue in this case shall be assigned to the current landowners.

IT IS ORDERED that assignments on the forms provided by ADWR Arizona Department of Water Resources shall be filed that assign the Statement of Claimant filed by Elizabeth Hilliard to John P. Franzone, Jr. and the Statement of Claimant filed by Delta Bryce to the trustees of the trusts that own the land.

John Franzone, Jr. and land owners/trustees/heirs, Jan Rogers, Larri Tearman, Mark Allen and Tim Rogers state that they are amenable to meeting with ADWR and the objectors.

IT IS ORDERED that by **October 15, 2019** ADWR shall schedule and hold a meeting with the John Franzone, Jr. and the Objectors to determine if the objections to the potential water rights set forth in Watershed File Report 115-05-AC-006 can be resolved.

IT IS ORDERED that John Franzone, Jr. and the trustees of the trusts that own the land previously owned by Ruben and Delta Bryce on which water rights are claimed shall meet and confer with Ms. Parks at ADWR one hour prior to meeting with the Objectors to view the aerial maps and review any documents that either Mr. Franzone or the trustees of the trust have in their possession to determine the location and ownership of Well 01 identified in Watershed File Report 115-05-AC-006 as the source of the water for domestic use on the property that ADWR previously identified as owned by Elizabeth Hilliard. If Mr. Franzone intends to pursue a claim for water for irrigation use, then the parties shall also address the location and ownership of Well 02 identified in Watershed File Report 115-05-AC-006 as the source of the water for a prior irrigation use on the property.

IT IS FURTHER ORDERED that Statement of Claimant 39-5516 is dismissed.

2:08 p.m. Matter concludes.

A copy of this order is mailed to all parties on the Court-approved mailing list for this case.