

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

12/11/2019

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN WARD HARRIS

T. DeRaddo

Deputy

In re Anderson Development Corporation,
Contested Case No. W1-11-3450

FILED: 12/20/2019

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

3:04 p.m. This is the time set for a status conference before Special Master Susan Ward Harris.

Court reporter, Lauren Kuhnnehn is present. A record of the proceedings is also made digitally.

The following attorneys appear in-person:

- Mark McGinnis and R. Jeffrey Heilman on behalf of Salt River Project.
- Joe Sparks on behalf of the San Carlos Apache Tribe.
- John Burnside on behalf of BHP Copper
- David Brown on behalf of Bar 7
- Kimberly Parks on behalf of Arizona Department of Water Resources

The following attorneys appear telephonically:

- Carla Consoli on behalf of the Nature Conservancy
- Bob Burris on behalf of Nancy Henson and Nancy Hunter
- Brad Pew on behalf of Asarco
- Lucas Christian on behalf of the Tonto Apache Tribe
- Jay Tomkus on behalf of the Pascua Yaqui Tribe and Yavapai-Apache Nation

Mr. Burris reports that his clients have filed 3 Statements of Claim, one for an irrigation use and two for stock pond use. (Property acquired in March 7, 2010; Priority date April 7, 2010). The irrigation claim for the well on this property dates back to 1982.

The Court has received returned mail from Arizona Land and Ranches, Inc. The Court removes this party from the court-approved mailing list.

The Court has received returned mail from James and Mary Padglick; Michael and Patricia Sheaffer; and Scott and Theresa Gulbranson, named landowners of parcels into which a portion of the land included in the WFR was subdivided. Notice of the hearing was sent to the addresses of record with the Graham County Assessor's Office. The Court removes them from the court-approved mailing list.

The Court notes that Mr. Brown has indicated that he intends to amend three of the statements of claimant listed in the watershed file reports. Mr. Brown states that as to the statements of claimant that he does not intend to amend, he prefers that the Court not dismiss them until the abstract and stipulation process is complete.

The Court reports that it shall initiate 5 cases, and will have them initiated by the end of the year.

Mr. Brown states that he will prepare abstracts for *de minimus* uses and send them directly to Kimberly Parks at ADWR for review.

Discussion is held regarding certain irrigation claims. Mr. Brown states that ranch is located 8 miles or more above the subflow zone. The Court noted that ADWR determined that wells that provided water to certain property are in the subflow zone. Kimberly Parks states that ADWR will map the wells with respect to the subflow zone as stated on the record by **February 10, 2020**.

IT IS ORDERED Mr. Brown shall submit to ADWR proposed *de minimis* abstracts 60 days after ADWR completes the mapping process, or by not later than **May 8, 2020**.

IT IS FURTHER ORDERED that Mr. Brown shall either file stipulated abstracts with regard to the irrigation claims with the court or file a status report letting the court know that the parties could not reach an agreement, by not later than **May 8, 2020**. Mr. Burris shall either file stipulated abstracts with regard to any irrigation claims with a priority date prior to 1991 or file a status report letting the court know that the parties could not reach an agreement, by not later than **May 8, 2020**. If the priority date for the claims for water rights asserted by Mr. Burris' clients are later than November 20, 1991, then Mr. Burris shall file no proposed abstracts.

3:17 p.m. Matter concludes.

LATER: Arizona Department of Water Resources shall review the *de minimis* abstracts submitted by Mr. Brown and shall file a report regarding the location of the points of diversion and places of use listed in the proposed abstracts by **June 26, 2019**.

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