

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

12/15/2017

CLERK OF THE COURT  
Form V000

SPECIAL MASTER  
SUSAN WARD HARRIS

S. Brown  
Deputy

Arizona Chapter of the Nature Conservancy  
In re Aravaipa Creek De Minimis, Contested Case No. W1-11-3300  
In re Instream Flow, Contested Case No. W1-11-3301  
In re Wood and Westerfield Diversions, Contested Case No. W1-11-3304  
In re Salazar-Tapia Ditch, Contested Case No. W1-11-3377  
In re Agro Land, Contested Case No. W1-11-3382  
In re Claridge Ditch, Contested Case No. W1-11-3383  
In re Aravaipa Creek I, Contested Case No. W1-11-3384  
In re Aravaipa Creek II, Contested Case No. W1-11-3388

FILED: 12/20/2017

In Re The General Adjudication  
W-1, W-2, W-3, W-4 (Consolidated)  
of All Rights In The Gila River System and Source

Re: Status Conference

MINUTE ENTRY

Courtroom – 301 Central Court Building

9:29 a.m. This is the time set for a Status Conference before Special Master Susan Ward Harris in the above cases. Counsel, Monique Coady is present on behalf of the City of Phoenix. Counsel, Carla Consoli is present on behalf of The Arizona Chapter of the Nature Conservancy. Counsel, Mark McGinnis is present on behalf of the Salt River Project.

Appearing telephonically are Counsel Susan Montgomery on behalf of the Pascua Yaqui Tribe and Yavapai-Apache Nation; Counsel Kimberly Parks on behalf of the Arizona Department of Water Resources (ADWR); and Counsel Joe Sparks appearing on behalf of the San Carlos Apache Tribe and Tonto Apache Tribe. Counsel David Brown appears telephonically for observation purposes only.

Court reporter Celeste Paxton Jones is present and a record of the proceedings is also made digitally.

Ms. Consoli reports to the Court on the status of what has been accomplished to amend the water claims asserted on behalf of the Nature Conservancy. Analysis is being done on the ADWR well files, as well as identification and location of stock ponds. Ms. Consoli is working on tracking historical claims and comparing those claims with current uses and is working with Jeff Trembly at ADWR on a plan to correct discrepancies in the historical record.

Discussion is held with Court regarding the status of in-stream flow cases, the number, location, and legal description of stockponds and wells, watershed file reports, irrigation claims, and whether BLM will be making claims as to the stockponds. Issue was also raised as to whether all or a portion of the cases should be consolidated. Counsel for The Nature Conservancy requested that no decision should be made at this time.

Ms. Consoli will make a public records request to ADWR for a list of open WFRs and will provide Mr. Trembly with a list of wells.

10:56 a.m. Matter concludes.

**LATER:**

These cases include the following Watershed File Reports (WFR) that identified the landowners at the time of the issuance of the WFRs as follows:

<b>Landowner</b>	<b>Watershed File Report</b>	<b>Case Number</b>
Agro Land and Cattle Co.	115-05-AC-003	W1-11-3382
Az. Chap. Nature Conservancy	115-05-AC-005	W1-11-3384
Az. Chap. Nature Conservancy	115-04-011; 115-05-050; 115-05-054	W1-11-3301
Az. Chap. Nature Conservancy	115-04-AAD-002	W1-11-3304
Az. Chap. Nature Conservancy	115-04-010; 115-05-030; 115-05-041; 115-05-044; 115-05-049	W1-11-3300
BLM – Safford District	115-05-AC-010	W1-11-3388
Epigmenio Salazar	115-05-AB-001	W1-11-3377
Wilford H. Claridge	115-05-AC-004	W1-11-3383

Based on this information, the only Statements of Claimant (SOC) that involve BLM land are the two SOCs identified in 115-05-AC-010: SOCs 39-0336 and 39-5509. Jose Tapia originally filed 39-0336. Defenders of Wildlife filed 39-5509 and subsequently assigned it to The Nature Conservancy. The location of use for both SOCs is NE NW 28 T6S R19E.

These cases do not include claims to water rights analyzed by WFRs 115-05-05, 115-05-17, 115-05-18, and 115-05-19. These WFRs analyze a series of SOCs for use on land identified as owned by BLM and leased by The Nature Conservancy. According to the records maintained by Arizona Department of Water Resources, the Nature Conservancy assigned its Statements of Claimant identified in those WFRs to BLM except for SOC 39-002644, originally filed by E.G. Salazar for 1¼ acre feet of water for stock watering at a location identified by ADWR as NWNESW 19 T6S R19E. The Nature Conservancy assigned a number of its claims to BLM pursuant to that Assignment of Statement of Claimant, filed June 23, 1992 (relevant parts of which are shown on the following pages).

**IT IS ORDERED** that the United States shall file by **January 31, 2018**, a report concerning its position on the claims for water uses analyzed in WFR 115-05-AC-010 including its position on the ownership of any water rights awarded pursuant to those claims.

**IT IS FURTHER ORDERED** that Responses to The Nature Conservancy's Amended Statements of Claimant and report shall be filed by the Objectors in this case by **March 30, 2018**.

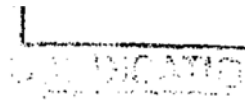
**IT IS FURTHER ORDERED** that a status conference shall be held on **April 4, 2018, at 1:30 p.m.** in the Superior Court of Arizona, Central Court Building, Courtroom 301, 201 West Jefferson Street, Phoenix, AZ 85003-2202.

Instructions for telephonic appearance:  
Dial: 602-506-9695 (local)  
1-855-506-9695 (toll free long distance)  
Dial Participant Pass Code 357264#

Muleshoe Allotment #4401

<u>File No.</u>	<u>Status</u>	<u>Claim No.</u>	<u>Legal Description</u>	<u>Name</u>
36-34388	---	39-5589	NESE 22 11 20	Old Ranch Spring
36-34387	---	39-5588	SWNE 34 11 20	Swamp Spring
36-34421	---	39-5570	NWNW 36 11 20	Deer Seep
36-34389	---	39-5590	SESW 36 11 20	Whiskey Spring
36-34424	---	39-5573	SESW 36 11 20	Rim Slope Spring
36-34422	---	39-5571	SESW 01 12 20	Haseanno Spring
36-34390	---	39-5591	NESE 01 12 20	Tio Cruz Spring
36-34395	---	39-5596	SWNE 25 12 20	Wildcat Spring
36-34403	---	39-5552	SESW 33 12 20	Lower Blanco Spr.
36-34402	---	39-5551	NESE 34 12 20	Cocktail Seep
36-34396	---	39-5597	NWNW 17 12 21	Redus Seep
36-34423	---	39-5572	NWSE 35 11 20	Lower Tio Cruz Spring
55-637775	---	39-11590	SWSW 31 12 21	Unnamed Well
55-637774	---	39-11587	NENW 26 11 20	Unnamed Well

Aravaipa Canyon Allotment #4529



<u>File No.</u>	<u>Status</u>	<u>Claim No.</u>	<u>Legal Description</u>	<u>Name</u>
3471	Cert.	39-2661	SWNW 23 6 18	McNair Tank
38-61135	---	39-2658	NWSE 23 6 18	Red Tank
36-61123	---	39-2643	NWSW 25 6 18	Goat Spring
38-61133	---	39-2659	NESE 26 6 18	Basin Tank
33-87291	Permit	39-12029	NESW 26 6 18	Houston Tank
38-61138	---	39-2660	SENE 27 6 18	Bills Tank
36-37292	---	39-5526	NWSW 27 6 18	Stone Cabin Spring
36-37281	---	39-5484	SWSW 27 6 18	Woodrow's Tank
3940	Cert.	39-5495	NENW 30 6 18	Dagger Draw Tank
36-37282				
55-644967		39-5533	NESWSW 32 6 18	Hagen Well
36-37283				
331	Cert.	39-5539	NESW 34 6 18	Burbess Spring
3470	Cert.	39-2665	NWNW 35 6 18	White Tank
3469	Cert.	39-2663	SWNW 35 6 18	Mesa Draw Tank
38-86583	---	39-5543	SENE 10 6 19	Bear Canyon Dams
38-86584	---	39-5546	SWNE 15 6 19	Martinez Tank #2
38-86585	---	39-5540	SENE 15 6 19	Martinez Tank #1
38-86586	---	39-5482	SENE 17 6 19	Pilares Tank
38-86587	---	39-5541	SESE 28 6 19	Matanza Dam
38-86588	---	39-5544	NWNE 29 6 19	Turkey Cr. Break Tank 4
38-86589	---	39-5481	SWNE 29 6 19	Turkey Cr. Break Tank 3
38-86590	---	39-5542	SWSW 32 6 19	Mescal Hill Tank
38-86591	---	39-5491	SENE 33 6 19	Matanza Tank
38-86592	---	39-5480	SWNW 33 6 19	Turkey Cr. Break Tank 2
38-86593	---	39-5545	SWSE 33 6 19	Turkey Cr. Break Tank 1
38-61137	---	39-2657	NESW 01 7 18	Moore Tank
3468	Cert.	39-2662	SENE 02 7 18	Dead Cow Tank
55-644966	---	39-5483	NENE 04 7 18	Virgus Well Windmill
36-37284				
36-37291	---	39-5501	NWSE 04 7 18	Locust Spring
36-37294	---	39-5502	SWNW 04 7 18	Ash Canyon Spring
3473	Cert.	39-2666	SENE 11 7 18	Brown's Tank
3472	Cert.	39-2664	SWNW 12 7 18	Ralph's Tank
36-37293	---	39-5530	NWNW 16 7 18	Granite Spring
36-61127	---	39-2656	NENE 25 7 18	Jed Spring
36-61125	---	39-2654	NESW 25 7 18	Walnut Spring
33-84223	Cert.	39-2670	SESE 25 7 18	No-Name Spring
36-37266	---	39-5532	SENE 06 7 19	Oak Grove Cyn. Spr.
38-61140	---	39-2668	SESE 07 7 19	Black Butte Tank
36-61126	---	39-2655	NENW 07 7 19	Lower Jackson Spring
33-85308	Rsgnd.	39-5479		Lower Stone Cabin Spr.
33-85313	Rsgnd.	39-5496		Goat Camp Spring
33-85314	Rsgnd.	39-5485		Turkey Creek Spring
33-85315	Rsgnd.	39-5538		Sycamore Spring
33-85316	Rsgnd.	39-5537		Battleship Rock Spr.
33-85319	Rsgnd.			Table Mtn. Spr. 1 & 2

<u>File No.</u>	<u>Status</u>	<u>Claim No.</u>	<u>Legal Description</u>	<u>Name</u>
33-84222	Cert.	39-2669	NENW 26 6 18	Playa Tank
36-37267		39-5525	NENW 05 7 19	Turkey Creek
36-37268		39-5531	POD NWSW 10 6 19	E. Bear Cyn. #1
			POU NENE 16 6 19	
36-37269		39-5504	SWNE 10 6 19	E. Bear Cyn. #2
38-61134		39-2646	SWSE 24 6 18	Turkey Ck. Tank
36-61122		39-2641	NESE 30 6 19	Turkey Creek Spring Box

A copy of this order is mailed to all persons listed on the Court approved mailing list for the above referenced cases.