

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

6/28/2017

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

L. Stogsdill

Deputy

In Re: Pomerene Water Users Association
Contested Case No. W1-11-1676

FILED: July 6, 2017

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

10:29 a.m. This is the time set for a status conference to review the status of this matter.

The following attorneys and parties appear telephonically: J. Albert Brown on behalf of Pomerene Water Users Association; Laurel A. Hermann, Julia M.R. Kolsrud, and Joe P. Sparks on behalf of the San Carlos Apache Tribe; Janet L. Miller and Kimberly R. Parks on behalf of the Arizona Department of Water Resources.

The following attorneys and parties appear in-person: David A Brown on behalf of Pomerene Water Users Association; Monique Coady on behalf of the City of Phoenix and Michael K. Foy on behalf of the Salt River Project.

Court reporter Lori Theilmann is present and a record of the proceedings is also made digitally.

Counsel for Pomerene Water Users Association advises the court that the Pomerene Water Users Association is an unincorporated association but that he did not currently have complete information about its status, its board or its members and requests a year to

determine any remaining litigants, their respective status and the status of Pomerene Water Users Association.

Court and counsel further discuss whether or not the Pomerene Water Users Association is a viable entity at this time and if it is the correct entity under which this matter should continue.

Counsel for the San Carlos Apache Tribe and the Arizona Department of Water Resources advises the court of their respective positions in this matter. Counsel for the San Carlos Apache Tribe suggests that the court set a date by which the claimants shall file a claim, an amended claim and to advise the court of their representative, if appropriate.

For the reasons stated on the record,

IT IS ORDERED that the motion filed by counsel for Pomerene Water Users Association for an extension of time to identify the members of the Pomerene Water Users Association is denied for the reason that it is not clear that the Pomerene Water Users Association is currently a viable entity. Its status should first be resolved before significant work is invested in determining potential members.

The court advises that another status conference will be set in this matter and a separate procedural order will be sent to all parties.

11:10 a.m. Matter concludes.

A copy of this order is mailed to all persons listed on the Court approved mailing list for Contested Case No. W-1-11-1676.

LATER:

The Special Master has previously determined that the Pomerene Water Users Association “does not seek to have a water right adjudicated in its name. Any rights to water diverted by the association will be adjudicated in the name of individual members or users. I have already ruled, however, that the association can act as the agent or fiduciary of individuals in making their appropriations or claiming their rights in the adjudication.” Memorandum Decision filed March 22, 1995, p. 3. Given the role that Pomerene Water Users Association had been expected to assume in this case on behalf of the users of the water diverted into the Pomerene Ditch, it is necessary to determine if the Pomerene Water Users Association can or will continue in that position. According to the Notice filed by its counsel, the Pomerene Water Users Association “apparently has no bank account, no assets or any formal organization.” Notice of Limited Appearance, filed June 16, 2017, pp. 1-2. Accordingly,

IT IS FURTHER ORDERED that counsel for Pomerene Water Users Association shall file by October 2, 2017, a report regarding the status of the Pomerene Water Users

Association including the names of persons serving on the board and designating those persons authorized to act as a spokesperson for that entity.

IT IS FURTHER ORDERED that David A. Brown shall be added to the court approved mailing list.

The following were sent notice of the proceedings in this case to the most recent addresses available from the Cochise County Assessor:

Patricia Butler
Erika and Chet Judd
Louise Larson Revocable Trust
Mindy Latham

No addresses for the following individuals were available from the Cochise County Assessor. The following persons were sent notice of the proceedings in this case to the most recent address shown on the mailing list in this case dated August 8, 1995:

Charles G. Leeds and Kathleen Harris
Patricia Vega

None of the above-named individuals filed a statement of claimant for water right with the Arizona Department of Water Resources for water rights in Cochise County. In each case the notices sent to the above-listed parties have been returned as non-deliverable. Accordingly,

IT IS FURTHER ORDERED that Patricia Butler, Erika and Chet Judd, Louise Larson Revocable Trust, Mindy Latham, Charles G. Leeds and Kathleen Harris, and Patricia Vega shall be removed from the mailing list.