

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

July 12, 2022

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN WARD HARRIS

T. DeRaddo
Deputy

In re: Oceanic Properties Arizona, Inc.
Contested Case No: W1-11-1712

In re the General Adjudication of
All Water Rights to Use Water in the
Gila River System and Source
W-1, W-2, W-3, W-4 (Consolidated)

FILED: 7/19/2022

In re: Status Conference

MINUTE ENTRY

Courtroom CCB - 301

2:50 p.m. This is the time set for a Status Conference.

The following attorneys appear virtually/telephonically via Court Connect/Teams.

- Michael Foy on behalf of Salt River Project (“SRP”)
- Thomas Murphy on behalf of the Gila River Indian Community
- Kimberly Parks and Kylie Denton on behalf of the Arizona Department of Water Resources (“ADWR”)
- Richard Palmer on behalf of the Tonto Apache Tribe
- Laurel Herrmann on behalf of the San Carlos Apache Tribe
- Sue Montgomery and Ian Young of behalf of the Yavapai Apache Nation and observing on behalf of Pascua Yaqui Tribe
- Etta Reed, landowner
- Michael B. and Katherine Jolley, landowners

A record of the proceedings is made digitally in lieu of a court reporter.

MICHAEL B. AND KATHERINE JOLLEY

The Court notes that the well on the Jolley property is close to the subflow zone according to the map prepared by ADWR. Mr. Jolley filed a Statement of Claimant with a claimed 2007 priority date.

The Court informs the parties that this adjudication is the result of a report that ADWR worked on and filed in 1991, in which it investigated all of the claims that had been filed up to that point. Mr. Jolley's claim is post-1991 and there was not a pre-1991 use according to Mr. Jolley's stated priority date. The Court states that based on the information before it, the appropriate time to resolve Mr. Jolley's claim is not in connection with ADWR's report that was completed in 1991, but with the next report – The San Pedro HSR II Report.

Ms. Reed states that the well on the Jolley property was there in 1975. She reports that she owned the parcel and well prior to the Jolleys' ownership. The well was there when she bought the property, and she used the well.

Ms. Reed states that the well is not in the correct spot on ADWR's map.

Mr. Jolley states that he has paperwork that states that the well was completed on 3/28/83. Mr. Jolley states that he bought the property in 2007.

Ms. Parks states that she will assist Mr. Jolley in locating exactly where Well No. 55-504914 is located relative to the subflow zone.

The Court informs Mr. Jolley that if the well is outside of the subflow zone, and Mr. Jolley is claiming an appropriable water right, ADWR will perform a test to see if the water is coming from the subflow zone or if the well is pumping percolating ground water.

ADWR is in the process of preparing a MODFLOW model (a groundwater modeling program), to determine if the well is diverting or depleting the subflow zone.

ETTA REID

The Court states that Ms. Reed has claimed a pre-1919 priority date for a well that was drilled in 2006. She has filed a Statement of Claimant for the well. Ms. Reed's well is outside of the subflow zone according to the map prepared by ADWR.

The Court intends to stay Ms. Reed's claim until ADWR completes its model, performs its test and it is approved.

IT IS ORDERED staying the adjudication of Statement of Claimant 39-174758 filed by Etta Reid until there is an approved subflow depletion test.

JOHN AND CASSIE TRIPP

The Court reports that Mr. Tripp has not yet filed a Statement of Claimant that is available from the public record maintained by ADWR. This well was completed in 2002. Mr. Tripp's well is inside of the subflow zone. Kimberly Parks states that Mr. Tripp has contacted her and is working on filing his Statement of Claimant.

The Court will set another Status Conference in this case because the bridge line was not working so parties who used the bridge line could not make an appearance.

3:09 p.m. Matter concludes.

LATER: A status conference is set for **August 18, 2022 at 1:30 p.m.** The purpose of status conference is to discuss the procedures to address the claims asserted by Mr. and Mrs. Tripp and to discuss procedures with respect to the Jolley property, which will depend upon whether the well is determined to be inside or outside the subflow zone.

The Status Conference shall be held using the Court Connect program. Instructions for Court Connect are attached below. If you receive this Order by email, click on the red box "Join Court Connect Hearing" on the attached instructions to make an appearance. If you do not receive this Order by email, log into the Court Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend telephonically using the telephone number and access code included in the instructions for Court Connect. Alternatively, you may attend telephonically using the following instructions:

Dial: 602-506-9695 (local)
1-855-506-9695 (toll free long distance)
Dial Collaboration (conference) Code 357264#

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

General Explanation to Self -Represented Litigants. In Arizona, people, governmental entities, and businesses can acquire rights to water from lakes, ponds, springs, streams, canyons, ravines, other natural surface channels, definite underground channels, and subflow. Water from these sources is known as "appropriable water". As demand grew over more than the past century for water in Arizona, with the potential for conflict, it became clear that it was necessary to examine all of the claims to rights to appropriable water to establish valid legal rights to water that could be protected and enforced.

The Arizona legislature put a procedure in place to allow water users to come into court and require the court to determine their legal water rights to appropriable water. The procedure is known as a general adjudication. The purpose of the general adjudication is to examine claims for water rights and define those rights. Many western states use general adjudications to determine water rights. General adjudications in some areas of the United States have been completed and others are still in process.

Arizona has different legal requirements that must be met to have a valid water right. The requirements that a person must meet depend upon the source of water that is being claimed. There are two basic sources of water. Appropriable water is one source of water. The other source of water is that groundwater that is not considered appropriable water. Thus, it is important to determine whether the water claimed is appropriable water or percolating groundwater. Wells located in the subflow zone are presumed to pump appropriable water. Wells located outside the subflow zone are presumed to pump percolating groundwater.

University of Arizona Law Clinic

The Natural Resource Use and Management Clinic ("Clinic") at the University of Arizona James E. Rogers College of Law is establishing a program to represent claimants in the General Stream Adjudication who need legal representation and meet certain criteria. Legal services, from case initiation through a settlement negotiation, will be provided by law students studying environmental and water law and will be overseen by a water law attorney. Legal services do not extend to representation at trial. The Clinic's website and contact information can be found using the following link:
<https://law.arizona.edu/clinics/natural-resource-use-management-clinic>



Court Connect Hearing Notice for In re Oceanic Properties Ariz., Inc.

This hearing will be conducted through the new Court Connect program offered by the Superior Court of Arizona in Maricopa County. This new and innovative program allows Court participants to appear online, rather than in a physical courtroom. Hearings are preferably conducted by videoconference but can also be conducted by phone. Lawyers (and self-representing litigants) are responsible for distributing this notice to anyone who will be appearing on their behalf.

All participants must use the JOIN COURT CONNECT HEARING button or the dial in information below to participate.

Participants: Please follow the steps below to participate in the remote proceeding.

1. Click the JOIN COURT CONNECT HEARING button below.
2. Enter your full name and role in name field.
3. Wait for the facilitator to admit you to the proceeding.

Remember to keep this email handy so you can use it to participate in the following proceeding.

Case Name: In re Oceanic Properties Ariz., Inc., Contested Case No. W1-11-1712

Start Date/Time: August 18, 2022 at 1:30 p.m.

JOIN COURT CONNECT HEARING

Dial-in Information: +1 917-781-4590

Private Dial-in Information: for privacy purposes, you can block your phone number by dialing *67 +1 917-781-4590

Dial-in Access Code: 688 970 203#

Tiny URL: <https://tinyurl.com/specialwatermaster>

To ensure an optimal experience, please review the brief Court Connect training prior to the hearing: [Here](#)

