

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

03/17/2022

CLERK OF THE COURT  
Form V000

SPECIAL WATER MASTER  
SUSAN HARRIS

S. Ortega  
Deputy

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: Danny L. and Dorothy Murr  
Contested Case No. W1-11-1739

FILED: 03/31/2022

**MINUTE ENTRY**

Courtroom: CCB 301

1:45 p.m. This is the time set for a Status Conference before Special Water Master Susan Harris.

The following attorneys and parties appear virtually through Microsoft Teams/Court Connect:

- Mark McGinnis observing for Salt River Project
- Kimberly R. Parks for Arizona Department of Water Resources
- Christopher Winslow Hill on his own behalf
- Richard Palmer for Tonto Apache Tribe
- Laurel A. Herrmann for the San Carlos Apache Tribe
- Tony L. Gallego on behalf of The Tony L. Gallego Trust
- Jay Tomkus for the Yavapai-Apache Nation and observing for the Pascua Yaqui Tribe
- Thomas L. Murphy for Gila River Indian Community
- Steve M. Titla for San Carlos Apache Tribe

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

Mr. Hill states that he wishes to make a claim for water rights. Mr. Hill states there is an existing well on the property that he intends to use for irrigation. He wants to irrigate a garden and a few trees.

The Court explains the process of adjudicating water rights in the State of Arizona for the landowners who wish to assert a right to water.

Mr. Hill, as a successor landowner, has not filed a Statement of Claimant for this property. He said that the Statement of Claimant was filed by a previous owner and then the land was sold and subdivided. Mr. Hill asks who are the litigants in this case?

Mr. Hill states that the objections are technicalities. He is just trying to maintain his right to the well and this has been made very complicated.

Mr. Hill says he will file a claim for a water right.

The Court tells Mr. Hill that he needs to file a Statement of Claimant that includes information about the existing well and registration number if he wants to pursue a claim for a water right. The Court and objectors need to know where the well is located in order to determine if it is pumping water from the San Pedro River.

Mr. Hill said that he thought a Statement of Claimant had already been filed by Mr. Harris. The Court tells Mr. Hill that he is correct, but he needs to obtain an assignment of that Statement of Claimant or file a new Statement of Claimant.

Mr. Gallego, as a successor landowner, shall also file a Statement of Claimant if he wants to assert a water right.

Mr. Gallego said that he has not filed and he uses St. David water. He says that he does not have a well. He says that he does not know why he is involved in this case.

Mr. Hill said that he is furious.

Mr. Hill asks whether he can speak with the other attorneys in this case. The Court tells him that he may speak with the other attorneys in this case.

The Court will also include information in the minute entry about the University of Arizona clinic that offers basic legal advice regarding water usage.

Further discussion is held regarding established water use.

2:09 p.m. Matter concludes.

## **LATER:**

This case is one of the cases in the general adjudication where landowners have filed claims, known as Statements of Claimant, for water rights and Arizona Department of Water Resources (ADWR) has investigated the claim and issued a report. In each case a determination will be made as to whether the person claiming a water right has a valid water right and, if so, will also determine the elements of that water right.

Arizona has different 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. One source is called appropriable water. Appropriable water comes from places such as rivers, streams, water flowing under the surface that is part of a stream or river (subflow), definite underground channels, lakes, ponds, and springs. The other source of water is that groundwater that is not considered appropriable water.

A separate court case is initiated for each report that was prepared by ADWR that examined a claim filed by a landowner for a water right to appropriable water. The court case will allow each landowner who is intending to claim a right to take appropriable water for his or her land a fair and reasonable opportunity to present evidence in support of the claim. The evidence should include proof that a landowner has complied with the laws of Arizona that govern the acquisition of a water right. Objectors will also have a fair and reasonable opportunity to represent evidence in support of their objections to the report filed by ADWR.

In this case, Charles and Helen I. Harris filed a Statement of Claimant for a right to take water from the land for domestic and irrigation use. Arizona Department of Water Resources prepared a report that stated that when it investigated the claim, it did not find irrigation, domestic, or stockwatering uses on the property. Objections were filed to the report that ADWR prepared. Copies of those objections can be found the following webpage:

<http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>

This webpage lists all of the currently active cases in the general adjudication. The cases are listed in numerical order by their case number. The case number for this case is W1-11-1739.

This case is the initial stage. The first step in a case is determining if there is a landowner who intends to pursue a claim for a right to appropriable water. In this case Mr. and Mrs. Harris, who filed the Statement of Claimant, are no longer the landowners. As a result, the people who the country assessor identified as the current landowners were also notified of the case to determine if they intend to pursue a claim to take water from the land.

Mr. and Mrs. Harris did not appear at the Status Conference. The landowners who appeared were given an opportunity to state whether they intended to pursue a claim to take water from the land. Mr. Hill said he intends to file a Statement of Claimant. Mr. Gallegos said that he does not intend to file because he obtains his water from a utility company.

In this case, Mr. and Mrs. Harris identified a well (well registration no 55-502055) as the source of water for which they claimed a water right. Mr. and Mrs. Harris filed a Notice of Intent to Drill an Exempt Well on February 11, 1982. On August 31, 1992, a Change of Well Information was filed with Arizona Department of Water Resources that named the new owner as Paul James Unrast. The public records of Arizona Department of Water Resources do not contain any additional forms that report a change in ownership.

### **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>.

### **Status Conference**

**IT IS ORDERED** that a second Status Conference shall be held on **May 6, 2022 at 2:00 p.m.**

The Status Conference shall be held using the Court Connect program. The purpose of the Status Conference is for Mr. Hill to inform the parties whether he has filed a Statement of Claimant and intends to proceed with seeking a claim for a right to appropriable water. Mr. Hill will also be prepared to provide the registration number for the well and, if possible, a legal description of the location of the well.

Instructions for Court Connect are attached. 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#

Copies of order and minute entries in this case have been sent to the last know address of Charles and Helen Harris. These documents have been returned and marked undeliverable. Accordingly,

**IT IS FURTHER ORDERED** removing Charles and Helen Harris from the Court-approved mailing list.

Tony L. Gallego appeared on behalf of The Tony L. Gallego Trust and states that he does not intend to pursue a right to appropriable water to be used on his land.

**IT IS FURTHER ORDERED** dismissing the following individuals and removing them from the Court-approved mailing list:

- Amanda and Thomas Edsall
- Bonifacio A. & Blanca Lydia Vargas
- Tony L. Gallego



## Court Connect Hearing Notice for In re Danny & Dorothy Murr

*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 Danny & Dorothy Murr, Contested Case No. W1-11-1739**

**Start Date/Time: May 6, 2022 at 2:00 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](#)

