

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

June 26, 2024

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SHERRI ZENDRI

M. Pritchard

Deputy

In re: George B. Gordon
Contested Case No. W1-11-3113

FILED: July 11, 2024

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

10:00 a.m. This is the time set for a Status Conference before Special Water Master, Sherri Zendri.

The following attorneys and parties appear telephonically:

- Jean Schwennesen
- Jennifer Wendel and law student, Jonathan Michael, with Arizona Adjudications Project on behalf of Eric and Jean Schwennesen
- Kaitlyn Smith on behalf of ASARCO, LLC
- John Habib on behalf of BHP Copper
- Mark Widerschein and Laura Boyer on behalf of the United States (US)
- Sunshine Manuel on behalf of the Gila River Indian Community
- Joe Sparks and Laurel Herrmann on behalf of the San Carlos Apache Tribe, with Jana Sutton observing
- Sue Montgomery on behalf of the Yavapai Apache Nation (and observing on behalf of Pascua Yaquai Tribe)
- Brett Stavin on behalf of the Tonto Apache Tribe
- Mark McGinnis on behalf of SRP
- Kimberley Parks on behalf of the Arizona Department of Water Resources (ADWR)

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

The Court inquires of Ms. Wendel if there is an update for the Schwennesens.

Mr. Michael provides an update. They have not had contact with the Heartquists. The Schwennesens are claiming only de minimus in-stream use. They are waiting on historical documents from the national archive to determine a priority date. A Statement of Claim has been drafted.

The Court confirms that the Heartquists are not in attendance. The Court will set another Status Conference in approximately 60 days to receive an update from the Heartquist's and an update on the Schwennesen's claim.

Ms. Wendel states that there are two other parcels belonging to the Schwennesens that are adjacent to the property currently being litigated. The parcels numbers are 300-27-005(C) and 300-27-005(B).

The Court states that there may be some problems with the current map.

Ms. Sparks states that he was unable to clearly hear Ms. Wendel.

The Court recaps what Ms. Wendel said. The Court inquires of Ms. Parks if she knows which two other cases are connected to this case and if this case involves the piece of property belonging to the Bureau of Land Management that no one claimed.

Ms. Parks states that is a different case and offers to create a new map.

The Court will look through the maps and determine if a new map needs to be created. The Court inquires if Ms. Wendel has any concerns with the current maps and if they can move forward with a de minimus in-stream wildlife claim with the current maps.

Ms. Wendel affirms that the current maps should be sufficient.

The Court states that one of the other connected cases will have a Status Conference in a few days.

The Court will set another Status Conference in approximately 60 days to discuss the appropriateness of the maps and to receive updates from both property owners.

9:41 a.m. Matter concludes.

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

LATER:

Both the Heartquists and the Schwennesens own additional parcels that were not included in this case initiation order. The following table outlines the parcels and the associated landowners:

Landowner	Pinal County Parcel #
Heartquist	300-20-003B
Heartquist	300-20-003C
Heartquist	300-20-003D
Schwennesen	300-27-005A
Schwennesen	300-27-005B
Schwennesen	300-27-005C

All parcels will be included in this contested case. At this time there does not appear to be a need for any additional maps.

IT IS ORDERED that a status conference is scheduled for **Thursday, September 12, 2024**, at 10:00 am to update all parties on the progress regarding historical documents, and SOC amendments and/or assignments. Additionally, the Heartquists shall provide the court with an explanation for their failure to attend the June 26, 2024, status conference. The status conference shall be held via Court Connect. The parties shall join the virtual status conference remotely logging into Court Connect as stated below.

Court Connect Info:

Dial in: 1-917-781-4590

Access Code: 688 970 203#

Join from your computer, Tiny URL: <https://tinyurl.com/specialwatermaster>

IT IS FURTHER ORDERED that if the Heartquists fail to attend the September 12, 2024, status conference without prior permission from the Court, they risk being dismissed from this contested case for failure to show interest.