

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

9/8/2022

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN WARD HARRIS

A. Parmar
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, W-4 (Consolidated)

FILED: September 15, 2022

In re: Clarence R. Miller
Contested Case No. W1-11-3246

MINUTE ENTRY

Courtroom CCB - 301

1:52 p.m. This is the time set for a Status Conference before Special Water Master Susan Ward Harris to discuss the status of the case including the receipt or lack of receipt of necessary documents from the National Archives.

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

The following attorneys appear via Court Connect:

- David Brown on behalf of landowners, Harriet Hedrick and Beverly Meade Miller
- Mark McGinnis on behalf of Salt River Project (“SRP”)
- Joe Sparks and Laurel Herrmann on behalf of the San Carlos Apache Tribe
- Kimberly Parks and Kome Akpolo on behalf of the Arizona Department of Water Resources (“ADWR”)
- Rhett Billingsley on behalf of American Smelting and Refining Company (“ASARCO”)
- Richard Palmer on behalf of the Tonto Apache Tribe

- Thomas Murphy on behalf of the Gila River Indian Community
- Sue Montgomery of behalf of the Yavapai Apache Nation (and observing on behalf of Pascua Yaqui Tribe)

Counsel for the United States did not make an appearance.

Mr. Brown addresses the Court regarding the draft abstracts. He has not received a response from the National Archives regarding his records request. The Court will allow more time for the records to be received but will set a status conference if too much time has passed without receipt of a Notice of Receipt of Documents from the National Archives.

IT IS ORDERED adding Sue Montgomery on behalf of the Yavapai Apache Nation and Pascua Yaqui Tribe to the Court-approved mailing list.

LATER:

National Archives

This case is one of a group of cases that have had to be stayed due to extended waits for documents requested from National Archives that claimants believe are necessary to provide evidence of their water rights. This case began on December 19, 2019, to adjudicate water rights on land in Southern Arizona located within Township 18S Range 17E of the Gila and Salt River Baseline and Meridian.

At the Status Conference on February 4, 2020, Mr. Brown reported that he had ordered documents from the National Archives necessary for his clients to establish water rights. On March 15, 2021, an extension was granted to allow Mr. Brown additional time to obtain documents from the National Archives. On June 21, 2021, a stay was entered until the National Archives resumed accepting and fulfilling online document requests. On November 9, 2021, an order was entered extending the stay until the claimant was able to obtain requested documents from the National Archives. At this status conference, Mr. Brown reports that he has not received documents requested from the National Archives.

IT IS FURTHER ORDERED that the stay in this case will continue until a Notice of Receipt of Documents is filed. Upon receipt of notice, a Scheduling Conference shall be set within 60 days. At the Scheduling Conference, the parties shall be prepared to state whether they have resolved the objections and are prepared to enter a stipulation with respect to water rights. If the parties have not reached agreement, then dates shall be set for filing disclosure statements, discovery deadlines, and a trial date.

1:56 p.m. Matter concludes.

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