

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

010/21/2021

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN HARRIS

L. Brown

Deputy

In re Russell & Patricia Williams
Contested Case No. W1-11-1309

FILED: 11/01/2021

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)

MINUTE ENTRY

Courtroom CCB 301.

1:42 p.m. This is the time set for a Status Conference before Special Master Susan Ward Harris.

W-1, W-2, W-3 and W-4 (Consolidated)

The following attorneys and parties appear via the Court Connect platform:

- Kimberly Parks, on behalf of Arizona Department of Water Resources
- Laurel Herrmann on behalf of the San Carlos Apache Tribe
- Richard Palmer on behalf of the Tonto Apache Tribe
- Thomas Murphy on behalf of Gila River Indian Community
- Craig Collins on behalf of Patricia Williams
- Patrick Berry on behalf of the United States
- Sue Montgomery on behalf of Yavapai Apache Nation (and observing on behalf of the Pascua Yaqui Tribe)
- Mark McGinnis on behalf of Salt River Project

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

The purpose of today's hearing is to discuss claims made for rights to appropriable water for use on land that the Cochise County Assessor has identified as owned by Micah and Jenny Garcia.

Mr. Collins addresses the Court on behalf of Patricia Williams, the former landowner and Claimant. They are aware of the Statement of Claimant filed by Russell and Patricia Williams quite some time ago. Although the property was sold in 2019, Mrs. Williams feels that she has water rights to the property.

The Court asks Mr. Collins for the legal theory for the position that his client has water rights when she does not own the property.

Mr. Collins states he is unable to advance any legal theory for that position other than the fact there was no assignment or transfer of any water rights in connection with the sale.

The Court acknowledges that the current landowner has not appeared, but the prior landowner has appeared. The inclination of the Court is to dismiss the statement of claimant number 39-11407.

Mr. Murphy states the Community would be in support of dismissal.

Mrs. Hermann states the Tribe would agree with the Community that dismissal would be appropriate.

Mr. Palmer states Tonto Apache would agree.

Mrs. Montgomery states Yavapai Apache would agree.

Mr. McGinnis states since SRP is not a party to this matter it does not take a position at this point.

Mr. Collins states it would be in the best interest of his client that he spend some time trying to determine if there is any basis for the retention of those water rights by her and her husband, notwithstanding the sale of the land to the Garcias.

The Court advises Mr. Collins that he must file his motion within 30 days.

Mr. Collins states if he does not file the motion within 30 days then would the dismissal occur?

The Court advises Mr. Collins that yes, the statement of claimant would be dismissed if a motion is not filed.

1:52 p.m. Matter concludes.

LATER:

IT IS ORDERED that counsel shall file a Motion Opposing Dismissal of Statement of Claimant 39-11407 and Request for Continued Adjudication of Claim by **November 22, 2021** if Mrs. Williams desires to proceed forward with this contested case. A copy of the Motion shall be filed with the Clerk of the Court and a copy provided to each party listed on the court approved mailing list, which is attached to the Order dated August 17, 2021.

NOTE: All court proceedings are recorded digitally and not by a court reporter. The parties or counsel may request a CD of the proceedings. For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.

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