

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

01/22/2021

CLERK OF THE COURT

SPECIAL WATER MASTER  
SUSAN WARD HARRIS

S. Motzer  
Deputy

In re: Robert and Nancy J. Farrier  
Contested Case No. W1-11-3114

FILED: 01/27/2021

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)

In re: Status Conference

**MINUTE ENTRY**

Central Court Building – Courtroom 301

2:00 p.m. This is the time set for a telephonic Status Conference before Special Water Master Susan Ward Harris.

The following attorneys appear telephonically: Laurel A. Hermann and Joe P. Sparks on behalf of the San Carlos Apache Tribe, Michael Foy and Mark McGinnis on behalf of the Salt River Project, Luke Christian on behalf of the Tonto Apache Tribe, Kimberly R. Parks on behalf of Arizona Department of Water Resources, Brad Pew observing on behalf of ASARCO, and John Burnside observing on behalf of BHP Copper. Robert and Nancy Farrier are neither present nor represented by counsel.

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

The Court notes that this case has been pending since November 2019. This is the second time that the landowners, Mr. and Mrs. Farrier, have not appeared at a status conference.

Discussion is held regarding procedures that should be taken with respect to issuing another order to show cause or dismiss the Farriers' claims. Mr. McGinnis states that he looked at the Statement of Claimant filed by Mr. and Mrs. Farrier and has a question about the location of the adobe house from 1914. It looks like the house is on an adjacent parcel. If true, then there is a 1980 well that is dependent upon the ruling in the

*Town of Huachuca* case. So, it may make sense to set the order to show cause proceeding after the ruling is issued in that case.

Mr. Sparks states that it would be helpful to have a map of the parcels that includes the boundaries of the lands on which the adobe house and well are located and the land currently owned by the Farriers and that shows how the locations of the adobe house relates to the original patent.

Based on the foregoing, the Court orders that the case is stayed until there is a ruling on the issues designated in the Notice of Issues of Broad Legal Importance in *Town of Huachuca*. After the stay is lifted, an Order to Show Cause will issue with a time set for a telephonic hearing.

In advance of that hearing on the Order to Show Cause, Mr. and Mrs. Farrier are expected to obtain copies of the patent and maps that identify the location of the land currently owned by the Farriers, the land on which the adobe house was located, and the land on which the well claimed to have provided water pre-1919 is located. If Mr. or Mrs. Farrier do not appear at the Order to Show Cause hearing, the claims for water rights in this case will be dismissed.

2:07 p.m. Matter concludes.

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