

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

January 8, 2020

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

S. Ortega

Deputy

In Re: Rudy and Mary Louise Ruiz
Contested Case No. W1-11-3126

FILED: 01/17/2020

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

2:45 p.m. This is the time set for a Status Conference to consider the claims and resolve objections to the Zone 2 Well Report 114-04-BAD-053 ("Report").

The following attorneys and parties appear in person:

Mark A. McGinnis for Salt River Project

The following attorneys and parties appear telephonically:

John D. Burnside for BHP Copper

Lucas Christian for Tonto Apache Tribe

Kimberly R. Parks for Arizona Department of Water Resources (ADWR)

Bradley Pew for ASARCO

Joe P. Sparks for San Carlos Apache Tribe

Jay Tomkus for the Yavapai-Apache Nation

Pedro Rivero Gallego, Landowner

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

Mr. Gallego informs the Court that he purchased the property from Sylvia Roberts three to four years ago and is uncertain as to what this matter is about.

The Court addresses Mr. Gallego with a general explanation of the status of the water rights.

The Court suggests that Mr. Gallego contact Sylvia Roberts, successor trustee of the Rudy Ruiz Family Trust, regarding the existing assignment of the Statement of Claimant (“SOC”) filed by Rudy and Mary Louise Ruiz regarding water rights. Mr. Gallego can contact Ms. Roberts at the following address:

Sylvia Roberts, 1972 West Cholla Estate Drive, Tucson AZ 85704

Mr. Gallego states that he intends to file a claim for water rights for domestic and irrigation use.

The Court informs Mr. Gallego that he has two options: (1) to meet and confer with ADWR and the objectors about this case to determine if the objections can be resolved and the parties can agree on water rights; or (2) to get a date for a scheduling conference to be set before the Court for a hearing at which time the parties would have the opportunity to put on evidence in support of their claims for water rights.

Mr. Gallego prefers to meet with ADWR regarding objections to the water rights.

IT IS ORDERED directing Ms. Parks to set up a meeting before **April 30, 2020** with ADWR, the objectors, and the landowners. Mr. Gallego may call ADWR at 602-771-8500 to obtain further information and forms for filing an SOC.

The Court further explains the purpose of this action and how the water rights are legally determined.

Mr. Gallego will review the documents he has from the purchase of the property to see if the well on his property has been registered with ADWR.

2:54 p.m. Hearing concludes.

LATER:

The following is an explanation of the General Adjudication of water rights in Arizona. This explanation is being provided to give people claiming water rights, who are known as “Claimants”, a better understanding of these proceedings. It is not intended as legal advice. If Claimants desire legal advice about their claims for water rights, they should contact an attorney.

General Explanation of Court Proceeding.

In Arizona, people, businesses, Indian tribes, the state and federal government, and non-profit organizations can acquire rights to water from lakes, ponds, springs, streams, canyons, ravines, other natural surface channels, and definite underground channels, and subflow. Water from these sources is known as “appropriable water”. In addition, there is a presumption that water pumped from wells located within the subflow boundaries is also appropriable water.

As demand increased over the past century for water in Arizona, with the potential for conflict, it became clear that it was necessary to examine all of the claims to rights to appropriable water to establish valid legal rights to water that could be protected and enforced by the owners of the water rights.

The Arizona legislature enacted a procedure to allow water users to come into court and require the court to determine their legal water rights. The procedure is known as a general adjudication. The purpose of the general adjudication is to examine claims for water rights and define those rights. Many western states use general adjudications to determine water rights. General adjudications in some areas of the United States have been completed and others are still in process.

In 1974, a water user in Arizona started this General Adjudication. The Arizona Supreme Court stated that in this General Adjudication all claims made to water must be examined and rights established. This General Adjudication includes claims to water rights in the San Pedro river watershed.

In the San Pedro watershed, more than a hundred thousand claims have been made for water for uses such as domestic, irrigation, stock watering, mining, and stockponds. The court will establish the water rights of those person, known as Claimants, who have filed a document titled “Statement of Claimant”. A Statement of Claimant can include more than one claim for a water right. The failure to file a Statement of Claimant can result in the forfeiture of a right to use appropriable water. It is important that a person seeking a water right file a Statement of Claimant, have a Statement of Claimant filed on his or her behalf, or obtain an assignment of an existing Statement of Claimant.

As part of the process of the General Adjudication, Arizona Department of Water Resources investigated the claims made in the Statement of Claimant filed by Rudy and Mary Louise Ruiz and prepared a report. A copy of that report was attached to the order dated December 6, 2019. Once the report is prepared, then other water users who have filed Statements of Claimant may file objections to the report prepared by Arizona Department of Water Resources. Objections to the report have been filed and may be obtained by request from the Arizona Department of Water Resources.

The current phase of the proceeding requires the court to make a determination about the water rights claimed in the Statement of Claimant filed by Mr. and Mrs. Ruiz and assigned to Sylvia Roberts, the potential water rights shown in the report prepared by Arizona Department of Water Resources, and the validity of the objections to the report. As part of that process, the Claimants can choose to meet informally with the water users who filed objections to the report prepared by Arizona Department of Water Resources to determine whether the objections can be resolved and the parties agree on a set of water rights for the Claimants. Absent an agreement by the parties, a date for a hearing will be set at which time all parties will have the opportunity to present witnesses and evidence to support either their claims for water rights or their objections to the report.

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