

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

11/15/2018

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

A. Hatfield

Deputy

In re: Larsen
Contested Case No. W1-11-3310

FILED: 12/24/2018

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: Telephonic Status Conference

MINUTE ENTRY

Courtroom: CCB 301

9:30 a.m. This is the time set for a Telephonic Status Conference before Special Master Susan Ward Harris regarding proposed claims for water rights on land which ADWR shows as owned by Mary K. Larsen in Watershed File Report 115-04-ADA-003.

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

The following attorneys appear telephonically: John Burnside on behalf of BHP Copper; Mark McGinnis on behalf of the Salt River Project; Susan Montgomery on behalf of the Pascua Yaqui Tribe and the Yavapai-Apache Nation; Bradley Pew on behalf of ASARCO; and Joe Sparks on behalf of the San Carlos Apache Tribe and the Tonto Apache Tribe.

The Court notes that a representative for Mary K. Larsen has not made an appearance in this status conference. At a prior status conference, Richard McQuillen informed the court that Ms. Larsen had recently died. No information has been provided to the court as to a representative for the Estate of Mary Larsen.

IT IS ORDERED that claims for water rights made in Statement of Claimants 39-17921 is dismissed and that no proposed water rights identified in WFR 115-04-ADA-003 shall be included in a catalog of proposed water rights.

The Court states that it has not yet received the proposed Abstracts of Water Rights Nos. 115-04-ADA-IR001 and 115-04-ADA-IR002 claimed by the Gorman-Hendricks Trust. Mr. Sparks responds that Mr. Wene is still attempting to obtain information and Mr. Sparks states that he will obtain copies of the patent.

9:34 a.m. Matter concludes.

LATER

Larsen

A number of objections exist to the potential water rights listed in Watershed File Report No. 115-04-ADA-001 that was later amended to specifically apply to the smaller portion of land described in 115-04-ADA-003, which has a reported address of 92405 E Aravaipa Rd, Dudleyville Az 85192. Although Richard McQuillen appeared earlier in the proceedings stating that he represented Mary Larsen, the landowner, Mr. McQuillen has not appeared at any proceedings since the date that he reported the death of Ms. Larsen. There has been no communication with the Court by Mr. McQuillen since March 7, 2018, when Mr. McQuillen filed a set of documents.

All mailings of court documents sent to the last known address for the property owner, the address of record with the Pinal County Treasurer's Office associated with tax parcel no. 300-58-0020, and the property address have been returned as non-deliverable. In its Report dated June 29, 2018, ADWR reported that it had made multiple unsuccessful attempts to contact Richard McQuillen in connection with this matter.

No documents have been filed with or notification given to ADWR by the property owner or a representative of the property owner as required by Pre-Trial Order No. 4 to submit changes in address or report land transfers. Due to the absence of any participation in this contested case by a landowner or a representative of the landowner to support its claims for water rights, the claims for water rights on the land that is the subject of Statement of Claimant 39-17921 and WFR 115-04-ADA-003 are dismissed.

Gorman-Hendricks Trust

The parties shall either file a joint report regarding the status of the proposed abstracts for Water Rights Nos. 115-04-ADA-IR001 and 115-04-ADA-IR002 or shall file mutually acceptable proposed abstracts for Water Rights Nos. 115-04-ADA-IR001 and 115-04-ADA-IR002 **by January 11, 2019**. If mutually acceptable proposed abstracts are not timely filed with the court, then depending upon the reasons given for the lack of resolution a status conference will be set in January 2019 that the parties will be expected to attend in person to either work out the remaining difficulties with the settlement of

objection to the proposed water rights or to identify the issues in dispute and set motion and trial dates.

A copy of this order is mailed to all persons listed on the Court approved mailing list for Contested Case No. W1-11-3310. In addition copies are mailed to 92405 E Aravaipa Rd, Dudleyville Az 85192