

SUPERIOR COURT OF ARIZONA  
APACHE COUNTY

09/29/2022

CLERK OF THE COURT

SPECIAL WATER MASTER  
SUSAN WARD HARRIS

S. Motzer

Deputy

FILED: 10/07/2022

In re: the General Adjudication  
of All Rights to Use Water in the  
Little Colorado River System and Source

CV 6417-33-6376

In re: Arizona Game & Fish Dept.

In re: Status Conference

**MINUTE ENTRY**

**Courtroom: CCB 301**

3:30 p.m. This is the time set for a Status Conference.

The following attorneys appear via Court Connect:

- Carrie J. Brennan for Arizona State Land Department
- Mark A. McGinnis for Salt River Project (“SRP”)
- Kome Akpolo for Arizona Department of Water Resources
- Mark J. Widerschein for U.S. Department of Justice, Natural Resources Section
- Vanessa Boyd Willard for U.S. Department of Justice, Indian Resources Section
- Phillip Londen and Payslie Bowman for the Hopi Tribe
- Judith M. Dworkin and M. Kathryn Hoover for the Navajo Nation
- Alexandra Arboleda observing for the City of Flagstaff
- Charles Cahoy observing for the City of Phoenix
- David A. Brown and Brian Heiserman for LCR Coalition and Silvercreek Irrigation District
- Julia Kolsrud observing for the San Juan Southern Paiute Tribe

- Michael Rolland observing for the Cities of Glendale, Avondale, Mesa, Scottsdale, and Tempe
- Robin Interpreter observing for the Yavapai Apache Nation and the Pasqua Yaqui Tribe
- SRP Analyst Rodney Held is also observing

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

Mr. Brown states that it is his recollection that Silver Creek Irrigation District filed an objection in this case.

Ms. Brennan addresses the Court and states that she has not seen objections from Silver Creek Irrigation District or from the tribes. She says that there are two claims in this case. One claim concerns a domestic well serving the residences on the property. She does not know if the well is pumping subflow, so it would be helpful if ADWR could delineate a subflow zone in this area. If the well is in the subflow zone, then the question is whether there will be a domestic *de minimis* standard. She suggests that ADWR be requested to prepare a technical report that could be used to establish a domestic *de minimis* standard.

The second claim concerns a fish hatchery that is a non-consumptive use. The ponds are gone. She states that it is possible that an in-stream flow claim may be the better claim. She would like to discuss the claim with the Arizona Game and Fish Commission. The Commission meets in December, and she believes that more than one meeting will be necessary to allow the Commission to make a decision about its claim. Meetings of the Commission will be held in December 2022, February 2023, and by March 2023 she will know the Commission's position about its Statement of Claimant.

Mr. Brown addresses the Court regarding a technical report from ADWR pertaining to domestic use. He said that report should include information regarding the wells in the subflow zone.

Mr. McGinnis addresses the Court and states he does not know the reason that domestic use was not included in the technical report evaluating *de minimis* stock pond and stockwatering use. He believes all wells, inside and outside the subflow zone, should be included in the technical report. He also advised that he believes a certificate of water right has been issued.

Ms. Hoover states that the Nation needs time to evaluate its objections. She also agrees that a subflow analysis should be done. She states that all wells should be included in a technical report dealing with domestic water use.

Mr. Londen states that the Hopi Tribe's objections are joinders with the United States. He wants to know if the United States intends to pursue those objections and then he plans to consult with his client.

Ms. Willard states that this case is on the list to discuss with the federal client agencies to determine whether to continue to pursue the objections. She would be willing to meet with the Arizona Game & Fish Commission after Ms. Brennan has a better sense whether the claims will change or remain the same.

THE COURT STATES that it will allow Ms. Brennan the requested time to conduct the two meetings and to will allow the other parties time to revisit their objections after they have more information regarding the Commission's intent to pursue the claims.

3:47 p.m. Matter concludes.

**LATER:** The United States objected to Watershed File Report 033-51-DAB-001, as one of its thousands of objections filed to the Silver Creek Hydrographic Survey Report. On May 29, 1991, the Navajo Nation, the Hopi Tribe, and the San Juan Southern Paiute Tribe joined in the objections to all Watershed File Reports submitted by the United States (the "Joinder"). See Docket No. 454, docketed May 28, 1991, with the Apache County Superior Court. A copy of the Joinder is posted with the objections located under the case name and number on the following website:

<http://www.Superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>

**IT IS ORDERED** setting a Status Conference on **March 2, 2023 at 1:30 p.m.** At the status conference, the Arizona Game & Fish Commission shall be prepared to identify the claims it intends to pursue in this contested case for uses other than domestic use. The remaining parties shall be prepared to state their positions with respect to those claims.

The Status Conference will be held using the Court Connect program. Instructions for Court Connect are attached below. If you receive this Order by email, click on the red box "Join Court Connect Hearing" on the attached instructions to make an appearance. If you do not receive this Order by email, log into the Court Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend telephonically using the telephone number and access code included in the instructions for Court Connect. Alternatively, you may attend telephonically using the following instructions:

Instructions for telephonic appearance:  
Dial: 602-506-9695 (local)  
1-855-506-9695 (toll free long distance)  
Dial Participant Pass Code 357264#

A copy of this order is delivered to the Clerk of the Apache County for filing and distributing a copy to all persons listed on the Court-approved mailing list for this contested case.



## Court Connect Hearing Notice for In Arizona Game & Fish Dept.

*This hearing will be conducted through the new Court Connect program offered by the Superior Court of Arizona in Maricopa County. This new and innovative program allows Court participants to appear online, rather than in a physical courtroom. Hearings are preferably conducted by videoconference but can also be conducted by phone. Lawyers (and self-representing litigants) are responsible for distributing this notice to anyone who will be appearing on their behalf.*

*All participants must use the JOIN COURT CONNECT HEARING button or the dial in information below to participate.*

**Participants:** Please follow the steps below to participate in the remote proceeding.

1. Click the JOIN COURT CONNECT HEARING button below.
2. Enter your full name and role in name field.
3. Wait for the facilitator to admit you to the proceeding.

Remember to keep this email handy so you can use it to participate in the following proceeding.

**Case Name:** In re Arizona Game & Fish Dept., Contested Case No. CV6417-33-6376

**Start Date/Time:** March 2, 2023 at 1:30 p.m.

**JOIN COURT CONNECT HEARING**

**Dial-in Information:** +1 917-781-4590

**Private Dial-in Information:** for privacy purposes, you can block your phone number by dialing \*67 +1 917-781-4590

**Dial-in Access Code:** 688 970 203#

Tiny URL: <https://tinyurl.com/specialwatermaster>

To ensure an optimal experience, please review the brief Court Connect training prior to the hearing: [Here](#)

