

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

09/14/2018

CLERK OF THE COURT  
FORM V000

SPECIAL WATER MASTER  
SUSAN HARRIS

A. Hatfield

Deputy

In Re: Lackner  
Contested Case No. W1-11-3326

FILED: 9/26/2018

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: Status Conference

**MINUTE ENTRY**

**Courtroom: CCB 301**

11:29 p.m. This is the time set for a status conference before Special Master Susan Harris.

The following attorneys and parties appear in-person: Carrie Brennan and Kevin Crestin on behalf of the Arizona State Land Department (ASLD); David Brown on behalf of the Lackner Trust; Bill Lackner, Kathy Lackner, and Norma Lackner co-trustees of the Lackner Trust; Mark McGinnis, and John Weldon on behalf of the Salt River Project, Joe Sparks on behalf of the San Carlos Apache Tribe and the Tonto Apache Tribe; Kimberly Parks on behalf of the Arizona Department of Water Resources (ADWR); and Charles Cahoy on behalf of the City of Phoenix.

The following attorney appears telephonically: Jay Tomkus on behalf of the Pascua Yaqui Tribe and the Yavapai-Apache Nation.

Court reporter, Luz Franco, is present and a record of these proceedings is made digitally.

Mr. Brown advises the Court that Abstract 115-05-004-SW009 should have been attached to the Court's Order of September 5, 2018, but it is missing.

Mr. Brown also requests a MS Word version of the abstracts be provided to make it more convenient to make redline corrections to the *de minimis* abstracts prepared by the Court.

The Court states that it will provide the requested MS Word version of the abstracts as requested.

Discussion is held concerning the draft abstracts that have been prepared by Mr. Brown on the irrigation claims. Mr. Brown represents that he has maps showing the irrigated lands that total less than 25 acres.

Mr. Brown also stated that two abstracts which were previously submitted by the parties need to be corrected and there are four water rights that may or may not be the subject of a statement of claimant that were not included in the 1991 HSR.

Mr. McGinnis and Mr. Sparks need thirty days to review the proposed abstracts for irrigation water rights. Discussion is held that the abstracts will identify the rates of diversion and maps that define the locations of the fields that include the section, township, and range references.

The Court notes that the legal descriptions for ASLD's abstracts do not exactly match ADWR's legal descriptions. Discussion is held with counsel for ASLD requesting that counsel arrange a meeting between the mapping experts for ASLD and ADWR to determine correct legal descriptions in the abstracts for places of use and points of diversion.

**IT IS ORDERED** that Mr. Brown distributes proposed abstracts for irrigation water rights to the objectors by October 1, 2018.

**IT IS FURTHER ORDERED** that the parties shall either file stipulated abstracts regarding the irrigation claims by November 12, 2018, or if no stipulation is reached, the parties shall file an objection listing their specific objections to the proposed abstracts for water rights for irrigation use.

**IT IS FURTHER ORDERED** that ASLD will file revised proposed abstracts by November 5, 2018 for *de minimis* uses that have been jointly approved by ADWR and ASLD as to the legal descriptions for points of diversion and places of use. If no agreement is reached, ASLD will file a report that identifies the proposed abstracts for which disagreement exists as to the legal description.

11:40 a.m. Matter concludes.

A copy of this order is mailed to all persons listed on the Court approved mailing list for Contested Case No. W1-11-3326