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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN RE THE GENERAL ADJUDICATION
OF ALL RIGHTS TO USE WATER IN THE
GILA RIVER SYSTEM AND SOURCE

CIVIL NO. W1-11-19
(Consolidated)

ORDER SETTING A STATUS
CONFERENCE

CONTESTED CASE NAME: *In re Sands Group of Cases*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: Order granting request filed by counsel for Sands Properties, L.L.C., LS Cattle Company, L.L.C., Bayless and Berkalew Company, Estate of Joseph L. Goff, Goff & Goff Limited Partnership, Mercer Ranch Holdings, LLC and Sombrero Butte Cattle, LLC to extend deadlines and set a status conference.

NUMBER OF PAGES: 4.

DATE OF FILING: February 16, 2017

These proceedings are intended to adjudicate the claims for water uses included in this case and to issue proposed water abstracts for the claimants in compliance with the Special

1 Master's Memorandum Decision, Findings of Fact, and Conclusions of Law, dated November
2 14, 1994, amended February 23, 1995, p. 47, that directs the Special Master to "prepare and
3 file proposed water rights abstracts for all *de minimis* uses identified in the watershed file
4 report that have been the subject of this Case No. W1-11-19." Accordingly, on June 17, 2016,
5 an Order was issued to initiate the proceedings necessary to prepare the proposed water rights
6 abstracts which will require a determination of the ownership of the rights. The Order included
7 the following information for the claims involved in this consolidated case: the watershed file
8 report numbers, statements of claimant, claimants, proposed water right numbers, landowners
9 and lessees and legal description for the land where the claimed water would be used. On July
10 15, 2016, the United States and the Arizona State Land Department provided current
11 information concerning lessees, claimants and assignees of claimants. Originally the parties
12 were expected to provide corrections to the information in the June 17, 2016 Order by
13 September 2, 2016. For good reasons provided in motions and at the status conference held on
14 September 8, 2016, all parties were given an additional six month to correct the ownership
15 information and to comply with Pre-trial Order No. 4.

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18 While some of the parties, e.g., James and Marie Pyeatt, H. Thomas Hendrickson, and
19 Harry T. and Edna Hendrickson, have filed new assignments, not all parties have satisfied Pre-
20 trial Order No. 4 which states in relevant part:
21

- 22 A. Any person who has filed a statement of claimant in this adjudication
23 shall notify the Arizona Department of Water Resources (ADWR) of
24 any of the following changes in or concerning that person's statement
25 of claimant form: (1) a change in that person's address; (2) an
26 assignment of the statement of claimant form to another person; (3) a
27 transfer to another person of all or part of the land for which a water
28 right has been claimed; and (4) a transfer to another person of all or
part of the water right claimed, if the claimed water right has been
severed and transferred to another parcel of land.

1 All claimants who have transferred land for which a water right has been claimed into trust, to
2 another business entity, or to another person must notify ADWR. If a claimant intended to
3 transfer its statement of claimant to the trust, business entity or person, the claimant must file
4 an assignment of that claim with ADWR.
5

6 Based on the status reports filed to date, it appears that Bayless & Berkalew
7 Company, Sands Properties L.L.C., LS Cattle Company, L.L.C., Estate of Joseph Goff, Goff &
8 Goff Limited Partnership, Mercer Ranch Land Holdings, LLC and Sombrero Butte Cattle, LLC
9 have determined that in addition to the ownership information required by the June 2016 Order,
10 they will provide all information required for proposed water right abstracts for certain of their
11 claims and will file drafts of those proposed abstracts. None of the remaining parties are
12 expected to prepare drafts of proposed abstracts. Bayless & Berkalew Company represented
13 that it would submit drafts of 77 proposed abstracts on or before March 27, 2017. Due to the
14 expanded scope of work these parties have elected to undertake, they have requested a status
15 conference to address a variety of issues which includes the form of the abstract, the procedure
16 to correct the ownership information, and an extension of the current deadlines.
17

18 While it is expected that the parties shall make every effort to comply with Pre-Trial
19 Order No. 4 by March 1, 2017, the deadline shall be extended and a new deadline set at the
20 status conference. Parties who have not complied with the Pre-Trial Order No. 4 will be
21 expected to provide at the status conference the specific reasons that the appropriate notice and
22 assignment have not been completed and filed with Arizona Department of Water Resources.
23

- 24 1. **IT IS ORDERED** vacating the March 1, 2017 deadline to comply with Pre-Trial
25 Order No. 4 and provide information to correct the ownership data included in the
26 June 2016 Order amended and updated by Notice dated August 5, 2016.
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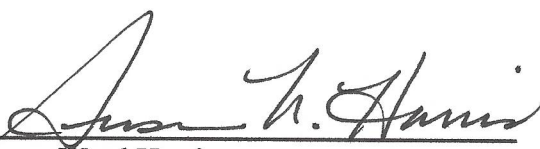
2. **IT IS FURTHER ORDERED** setting a conference on March 1, 2017, at 10:00 a.m. in the Superior Court of Arizona, Central Court Building, Courtroom 301, 201 West Jefferson Street, Phoenix, AZ 85003-2202.

Instructions for telephonic participation:

Dial: 602-506-9695 (local)


1-855-506-9695 (toll free long distance)

Dial Participant Pass Code 357264#



Susan Ward Harris
Special Master

On February 16, 2017, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court approved mailing list for Contested Case No. W1-11-19.



Barbara K. Brown