

SUPERIOR COURT OF ARIZONA  
APACHE COUNTY

09/29/2022

CLERK OF THE COURT

SPECIAL WATER MASTER  
SUSAN WARD HARRIS

S. Motzer

Deputy

FILED: 10/11/2022

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)

W1-11-0232

In re: SPRNCA

In re: Status Conference

**MINUTE ENTRY**

**Courtroom: CCB 301**

4:06 p.m. This is the time set for a Status Conference on the United States' claims for water rights under state law.

The following attorneys appear via Court Connect:

- Brian Heiserman for Liberty Utilities Bella Vista Water Company
- Sara Ransom for the City of Sierra Vista, Pueblo del Sol Water Company, and trustees of the Susan R. Colby Living Trust and the Rebecca S. Davis Revocable Living Trust
- David Brown for Echoing Hope Ranch
- Carrie J. Brennan for Arizona State Land Department
- Lee Leininger for the United States Department of Justice
- Mark A. McGinnis and Michael Foy for Salt River Project ("SRP")
- Laurel Herrmann for the San Carlos Apache Tribe
- Sue Montgomery for the Yavapai Apache Nation and observing for the Pasqua Yaqui Tribe
- Kome Akpolo for Arizona Department of Water Resources ("ADWR")
- Brad Pew for ASARCO

- Charles Cahoy for the City of Phoenix
- John Burnside for BHP Copper

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

Mr. Leininger addresses the Court regarding the status of the case, stating that he filed a response to the Court's September 7, 2022 Minute Entry.

The Court having not yet received said filing, Mr. Leininger summarizes the points made in said response. The United States is reviewing the Tenneco filings and the potential overlap with BLM filings for in-stream flow.

Mr. Leininger requests the reinstatement of Statement of Claimant 39-12707.

**IT IS ORDERED** reinstating Statement of Claimant 39-12707.

Discussion about the assignment/dismissal of the SOC's filed by the Victorio Land and Cattle Company. Jennifer Wendell of the Solicitor's Phoenix field office addresses the Court, states that BLM has filed amendments to statement of claimants filed by the Victorio Land and Cattle Company. Ms. Wendell confirms that the Victorio claims have not been assigned to BLM.

Mr. Leininger states that there are questions regarding the transfer of land, and therefore assignments of the SOC. The title documents will be provided to ADWR for clarification.

Mr. Leininger continues to summarize the Response which concerns SOC's filed by grazing permittees of the BLM land. He also discussed claims for in-stream flow pending before ADWR and pending questions concerning certificated water rights.

Mr. Leininger moves for the Court to approve designation on the Statement of Claimant from BLM to the United States on behalf of the Department of the Interior-Bureau of Land Management.

Discussion is held thereon.

Mr. Akpolo addresses the Court, stating that the United States will need to fill out an assignment form. He also said that the letter authorizing the signature on the assignment would be attached to the assignment form.

Mr. Pew confirms that this is the correct process.

Mr. Leininger says that only a dozen filings may be necessary if filings are made by each district office. He will continue discussion with ADWR.

Further discussion is held.

The Court states that another Status Conference will be held in 60 days.

4:42 p.m. Matter concludes.

**LATER:**

In its Third Report dated September 28, 2022, the United States requested that any pending cases involving 39-2612 and 39-2616 be consolidated with this contested case. According to the Comprehensive Indices for the San Pedro River Hydrographic Survey Report (“San Pedro HSR”), those two SOC’s were only considered in Watershed File Report 111-20-032. Vol. 2 San Pedro HSR, Sec. 3 at 26. A copy of the page is attached. No further consolidation is required.

**IT IS ORDERED** setting a status conference for **December 2, 2022 at 2:15 p.m.**

At the status conference, among the issues that the parties desire to raise, the discussion shall also include the following:

- (1) Arizona Department of Water Resources and the United States shall present the status of the instream flow claims that includes a description of data, if any, required by ADWR to complete its processing of the claims, and an estimated timeline to complete the process.
- (2) The parties shall address whether the SOC filed by a former landowner-claimant who has not appeared in the case should be dismissed and the new landowner should file a new SOC or whether a new landowner may properly file an amendment to the SOC of a prior landowner. (WFR 111-24-CCB-001)
- (3) The United States will advise whether it has received an assignment of SOC’s filed by its grazing lessees that are at issue in this case.

The Status Conference will be held using the Court Connect program. Instructions for Court Connect are attached. 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.

STATEMENT OF CLAIMANT NO.	WATERSHED FILE REPORT NUMBER	OWNER NAME (LESSEE/ALLOTTEE NAME)	SUBWATERSHED	VOLUME	TABLE -PAGE
39-0002566	112-18-001	SLD (HOPP, ROBERT E., ETUX.)	BENSON	4	2-374
39-0002567	112-18-001	SLD (HOPP, ROBERT E., ETUX.)	BENSON	4	2-374
39-0002568	111-21-001	SLD (HOPP, ROBERT E., ETUX.)	SIERRA VISTA	3	2-313
39-0002569	111-21-001	SLD (HOPP, ROBERT E., ETUX.)	SIERRA VISTA	3	2-313
39-0002577	111-21-024	STEWART TITLE AND TRUST	SIERRA VISTA	3	2-354
39-0002578	111-21-024	STEWART TITLE AND TRUST	SIERRA VISTA	3	2-354
39-0002579	115-05-AC-006	HILLIARD, RONNIE L.	ARAVAIPA	6	4-77
	115-05-AC-007	BRYCE, RUBEN A. & DELTA	ARAVAIPA	6	4-42
39-0002582	113-04-DCD-003	CLARK, BENNY H. & FRANCES	REDINGTON	5	2-40
39-0002585	112-17-DBA-124	TENNEY, GERALD W.	BENSON	4	2-402
	112-17-DBA-282	KARTCHNER, PAUL B.	BENSON	4	2-202
39-0002587	112-17-BDA-002	FENN, JR., CHARLES	BENSON	4	2-98
39-0002588	112-17-DBD-003	MCWHIRTH, NORMAN GENE	BENSON	4	2-247
	112-17-DBD-029	MCWHORTER, NORMAN GENE	BENSON	4	2-248
39-0002589	112-17-BAD-009	KADING, KIRK (BARNEY, LELAND K.)	BENSON	4	2-182
39-0002590	112-17-DBD-002	MILLER, LARRY HATCH	BENSON	4	2-259
39-0002592	112-17-DBA-181	WHITE, HENRY L.	BENSON	4	2-426
	112-17-DBA-181	ZWEIFELHOFER-SUMMERS, J.	BENSON	4	2-426
	112-17-DBA-189	ALBERDING, DORIS M.	BENSON	4	2-4
	112-17-DBA-321	WHITE, MARCIA D.	BENSON	4	2-428
	112-17-DBA-321	WHITE, HENRY G.	BENSON	4	2-428
	112-17-DBA-321	ZWEIFELHOFER, JANICE E.	BENSON	4	2-428
39-0002601	111-20-003	SLD (ESCAPULE, JOSEPH JOHN)	SIERRA VISTA	3	2-304
39-0002602	111-20-003	SLD (ESCAPULE, JOSEPH JOHN)	SIERRA VISTA	3	2-304
39-0002603	111-20-003	SLD (ESCAPULE, JOSEPH JOHN)	SIERRA VISTA	3	2-304
39-0002604	111-20-003	SLD (ESCAPULE, JOSEPH JOHN)	SIERRA VISTA	3	2-304
39-0002605	111-20-003	SLD (ESCAPULE, JOSEPH JOHN)	SIERRA VISTA	3	2-304
39-0002606	111-20-003	SLD (ESCAPULE, JOSEPH JOHN)	SIERRA VISTA	3	2-304
39-0002607	111-20-003	SLD (ESCAPULE, JOSEPH JOHN)	SIERRA VISTA	3	2-304
39-0002608	111-20-003	SLD (ESCAPULE, JOSEPH JOHN)	SIERRA VISTA	3	2-304
39-0002609	111-21-035	ESCAPULE, JOSEPH JOHN	SIERRA VISTA	3	2-109
39-0002610	111-21-035	ESCAPULE, JOSEPH JOHN	SIERRA VISTA	3	2-109
39-0002611	111-21-035	ESCAPULE, JOSEPH JOHN	SIERRA VISTA	3	2-109
39-0002612	111-20-032	BLM - SAFFORD DISTRICT	SIERRA VISTA	3	2-41
39-0002613	111-21-035	ESCAPULE, JOSEPH JOHN	SIERRA VISTA	3	2-109
39-0002614	111-21-035	ESCAPULE, JOSEPH JOHN	SIERRA VISTA	3	2-109
39-0002615	111-21-035	ESCAPULE, JOSEPH JOHN	SIERRA VISTA	3	2-109
39-0002616	111-20-032	BLM - SAFFORD DISTRICT	SIERRA VISTA	3	2-41
39-0002617	112-14-023	KEITH, VIRGINIA L.	BENSON	4	2-203
39-0002618	112-14-DAD-001	KEITH, VIRGINIA L.	BENSON	4	2-204
39-0002619	112-15-056	KEITH, VIRGINIA L.	BENSON	4	2-205
39-0002620	113-15-004	KEITH, VIRGINIA L.	REDINGTON	5	2-115
39-0002621	112-15-056	KEITH, VIRGINIA L.	BENSON	4	2-205
39-0002622	112-15-056	KEITH, VIRGINIA L.	BENSON	4	2-205
39-0002623	112-15-056	KEITH, VIRGINIA L.	BENSON	4	2-205
39-0002624	112-14-DAD-001	KEITH, VIRGINIA L.	BENSON	4	2-204
39-0002625	112-14-DAD-001	KEITH, VIRGINIA L.	BENSON	4	2-204
39-0002626	112-15-056	KEITH, VIRGINIA L.	BENSON	4	2-205
39-0002627	112-14-DAD-001	KEITH, VIRGINIA L.	BENSON	4	2-204
39-0002628	112-14-031	SLD (KEITH, M.H., ESTATE OF)	BENSON	4	2-343
39-0002629	112-15-003	SLD (DOBSON, JR., H. CLIFFORD)	BENSON	4	2-347
39-0002630	112-14-031	SLD (KEITH, M.H., ESTATE OF)	BENSON	4	2-343



## Court Connect Hearing Notice for In re SPRNCA

*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 SPRNCA, Contested Case No. W1-11-232**

**Start Date/Time: December 2, 2022 at 2:15 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](#)

