

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

June 9, 2022

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN HARRIS

T. DeRaddo
Deputy

In Re: Richard and Reva Kirkman
Contested Case No. W1-11-2319

FILED: 7/11/2022

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)

HSR involved: San Pedro River Watershed
Hydrographic Survey Report

MINUTE ENTRY

Central Court Building – Courtroom 301

3:45 p.m. This is the time set for a virtual/telephonic Status Conference. All parties and counsel appear virtually or telephonically. Appearances are as follows:

- Kimberly Parks for Arizona Department of Water Resources
- Tom Murphy for the Gila River Indian Community
- Joseph Sparks for the San Carlos Apache Tribe
- Richard Palmer for the Tonto Apache Tribe
- Sue Montgomery for the Yavapai Apache Nation and observing for the Pasqua Yaqui Tribe
- Mike Foy observing for Salt River Project
- Landowner David E. Johnson on his own behalf

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

David Johnson states that he has done some research and has found that his well is outside of the subflow zone and the well that he has on his property is in his name.

He reports that intends to make a claim for appropriable water.

Mr. Johnson intends to file a Statement of Claimant. He will be speaking with ADWR about filing a claim for domestic use and irrigation use.

The Court informs Mr. Johnson that if his well is outside of the subflow zone, he is presumed to be pumping groundwater and not appropriable water.

The Court informs Mr. Johnson that he has a decision to make about how to proceed. The court proceedings are for the purpose of adjudicating rights to appropriable water. The adjudication does not determine an individual's water rights to percolating groundwater.

If Mr. Johnson decides that the water pumped from the well does not deplete the subflow zone and does not file a Statement of Claimant for an appropriable water right, this case will be dismissed. Arizona Department of Water Resources is developing a subflow depletion test that will determine if the well is pumping subflow. If Mr. Johnson did not to file a Statement of Claimant for appropriable water and ADWR determines that the well is pumping appropriable water, Mr. Johnson will not have a right to pump that water because no water right will have been claimed in this proceeding or adjudicated.

If Mr. Johnson does file a Statement of Claimant and the well is determined to be outside of the sub-flow zone, the Court will stay the case until ADWR determines whether Mr. Johnson's well is pumping sub-flow water or not.

IT IS ORDERED that Mr. Johnson shall have sixty days to speak with the Arizona Department of Water Resources and file a Statement of Claimant. If Mr. Johnson does not file a Statement of Claimant, the Court will dismiss this matter.

3:52 p.m. Matter concludes.

LATER:

University of Arizona Law Clinic

The Natural Resource Use and Management Clinic ("Clinic") at the University of Arizona James E. Rogers College of Law is establishing a program to represent claimants in the General Stream Adjudication who need legal representation and meet certain criteria. Legal services, from case initiation through a settlement negotiation, will be provided by law students studying environmental and water law and will be overseen by a water law attorney. Legal services do not extend to representation at trial. The Clinic's website and contact information can be found using the following link: <https://law.arizona.edu/clinics/natural-resource-use-management-clinic>.

A copy of this order is mailed to all persons listed on the Court-approved mailing list.