

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

W-1 (Salt)
W-2 (Verde)
W-3 (Upper Gila)
W-4 (San Pedro)

Contested Case No. W1-11-232

**ORDER SETTING DEADLINES FOR
FILINGS AND SCHEDULING A
STATUS CONFERENCE**

CONTESTED CASE NAME: *In re San Pedro Riparian National Conservation Area*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Order setting deadlines for filing and scheduling a status
conference for **April 30, 2024, at 10:00 am**
NUMBER OF PAGES: 10

On February 24, 2023, the United States filed a Fifth Report on State Law Claims within the San Pedro Riparian National Conservation Area (“Fifth Report”) in response to the January 18, 2023, Order from this Court. The Fifth Report was required to provide the status of several specific Statements of Claimants (“SOCs”) and any other corrections necessary to ensure the United States’ state-law claims for water rights in the San Pedro Riparian National Conservation Area are accurately reflected. An April 5, 2023, order from this court summarized the changes that resulted from the Fifth Report.

The filing of the Fifth Report did not, however, resolve all issues with these state

1 water rights claims. The following is a list of items that are still outstanding:

- 2 **1.** A final, exhaustive list of all Statements of Claimant (“SOCs”) containing claims
3 that the United States will be pursuing in W1-11-232, including any claims not
4 yet documented with SOCs.
- 5 **2.** Confirmation that the United States updated all relevant SOCs and assignments
6 with the proper claimant name and address.
- 7 **3.** Confirmation that, for any relevant SOCs not originally in the United States’
8 name, the United States either amended the name on the SOC or obtained an
9 assignment.
- 10 **4.** The addition of the 18 *de minimis* potential water rights (“PWRs”) identified in
11 the Special Master’s October 11, 2021 Order to the catalog of proposed water
12 rights.
 - 13 **4.1.** ADWR issued comments to draft proposed abstracts for 15 of the 18 PWRs
14 on November 8, 2022. ADWR has not yet issued comments to proposed
15 abstracts for 111-20-032-SP001, 111-24-CCB-011-SP002, or 111-24-
16 CCB-011-SP003.
- 17 **5.** The addition of remaining *de minimis* potential water rights to the catalog of
18 proposed water rights.
- 19 **6.** The resolution of instream flow claims.
 - 20 **6.1.** Settlement of the claim in SOC 39-13611, which is for a certificated
21 instream flow right.
 - 22 **6.2.** Certification and subsequent settlement of instream flow claims found in
23 SOCs 39-14485, 39-14482, and 39-7752.
 - 24 **6.3.** Filing of an SOC for instream flow application 33-96197.
- 25 **7.** The resolution of other non-de minimis claims.
- 26 **8.** The resolution of all claims not investigated in the San Pedro I HSR.

27
28 **IT IS ORDERED** that by **February 29, 2024**, ADWR shall file a report:

- 1 1. Commenting on draft proposed abstracts for the following PWRs: 111-20-032-
2 SP001, 111-24-CCB-011-SP002, or 111-24-CCB-011-SP003.
- 3 2. Issuing draft proposed abstracts for 111-20-032-SP001, 111-24-CCB-011-
4 SP002, 111-24-CCB-011-SP003.
- 5 3. Informing the court of progress in the issuance of water rights certificates for
6 instream flow claims found in SOC's 39-14485, 39-14482, and 39-7752 and a
7 deadline for the completion of this task.

8
9 **IT IS FURTHER ORDERED** that by **April 1, 2024**, the United States shall
10 file a report:


- 11 1. Providing a final, exhaustive list of all Statements of Claimant ("SOCs")
12 containing claims that the United States will be pursuing in W1-11-232 including
13 any claims that are not documented in SOC's as of the filing of this Order. This
14 list shall also include all claims to be investigated in the San Pedro II HSR.
- 15 2. Confirming the appropriate surface water filing has been initiated for any claim
16 lacking a surface water filing.
- 17 3. Providing, in accordance with ADWR's November 2022 comments, evidence
18 for the location of the spring or stockpond relevant to the following potential
19 water rights: 111-20-032-SP002, 111-20-032-WL001, 111-20-032-WL005,
20 112-17-063-SW001, 112-17-063-SW002.
- 21 4. Confirming that, for any relevant SOC not originally in the United States' name,
22 the United States amended the name on the SOC or obtained an assignment.
- 23 5. Confirming that all relevant SOC's and/or assignments have the proper claimant
24 name and address.
- 25 6. Informing the court of progress in the settlement of the instream flow claim in
26 SOC 39-13611.
- 27 7. Informing the Court of the non-*de minimis* claims that it believes are most
28 amenable to settlement.

1
2 **IT IS FURTHER ORDERED** scheduling a status conference on **April 30,**
3 **2024, at 10:00 am** to discuss the following:

- 4 1. Any suggested corrections to the draft abstracts for de minimis claims.
5 2. A timeline for the settlement of the instream flow claim in SOC 39-13611.
6 3. Whether roadblocks are anticipated regarding the settlement of instream flow
7 claims in SOCs 39-14485, 39-14482, and 39-7752.
8 4. A timeline for the settlement of the non-*de minimis* claims included in the United
9 States' most recent report.

10 The status conference will be held using the Court Connect program. Instructions
11 for Court Connect are attached as Attachment A. If you receive this Order by email, click
12 on the red box "Join Court Connect Hearing" on the attached instructions to make an
13 appearance. If you do not receive this Order by email, log into the Court Connect program
14 on the internet by typing <https://tinyurl.com/specialwatermaster>. If you do not have access
15 to the internet, you may attend telephonically using the telephone number and access code
16 included in the instructions for Court Connect.

17
18 Signed this 11th day of January 2024

19
20
21 
22 Sherri L. Zendri
23 Special Water Master

24 On January 11, 2024, the
25 original of the foregoing was delivered to the
26 Clerk of the Maricopa County Superior Court for
27 filing and distributing a copy to all persons listed
28 on the Court approved mailing list.


Emily Natale

Court Approved Mailing List
In re San Pedro Riparian National Conservation Area
W1-11-232 (52 Names)
Prepared by the Special Master
1/10/2024

Alexander B. Ritchie
San Carlos Apache Tribe
Office of the Attorney General
PO Box 40
San Carlos, AZ 85550

City of Benson
P. O. Box 2223
Benson, AZ 85602

Alvin J & Anne Carl Anderson
Rev Liv Tru
PO Box 561
Bisbee, AZ 85603

City of Sierra Vista
2400 E. Tacoma Street
Sierra Vista, AZ 85635

Arnold Brothers Irrevocable
Trust
PO Box 35
Port Hueneme, CA 93044

Clerk of the Superior Court
Maricopa County
Attn: Water Case
601 West Jackson Street
Phoenix, AZ 85003

Bella Vista Water Company
4055 Campus Dr.
Sierra Vista, AZ 85635

D. A. Brown, J. Albert Brown,
Amy Brown
Garrett W. Perkins of Brown &
Brown Law
P. O. Box 1890
St. Johns, AZ 85936

Charles and Joseph Goff
P. O. Box 5591
Oracle, AZ 85623

David F. Jacobs, Carrie J.
Brennan
and Kevin P. Crestin
Arizona Attorney General
Natural Resources Section
2005 North Central
Phoenix, AZ 85004

Charles L. Cahoy, Asst. City
Attorney
Phoenix City Attorney's Office
200 W. Washington 13th Flr.
Phoenix, AZ 85003

Echoing Hope Ranch
P.O. Box 4471
Bisbee, AZ 85603

Eric C. Anderson
City of Scottsdale
City Attorney's Office
3939 North Drinkwater Blvd.
Scottsdale, AZ 85251

Javier Ramos & Sunshine
Manuel
Gila River Indian Community
Office of the General Counsel
P. O. Box 97
Sacaton, AZ 85147

Estate of William E. Lindsey
c/o Jim Lindsey
P. O. Box 366
Tombstone, AZ 85638

Jeremiah Weiner, Kent
Millward,
Brett J. Stavin, & Lauren
Mulhern
ROSETTE, LLP.
120 S. Ash Avenue, Suite 201
Tempe, AZ 85281

Gary H. & Karen Taylor Fry
Family Trust
28 Clover Ln
Barrington, NH 03825-5907

Joe P. Sparks and Laurel A.
Herrmann
The Sparks Law Firm, P.C.
7503 First Street
Scottsdale, AZ 85251-4573

George E. and Katherine H.
Monzingo
P, O, Box 219
St. David, AZ 85630

John C. Lemaster
CLARK HILL PLC
3200 North Central Ave., Suite
1600
Phoenix, AZ 85012

J. B. Weldon, M. A. McGinnis,
M. K. Foy
Salmon, Lewis & Weldon
2850 E. Camelback Rd. Suite
200
Phoenix, AZ 85016

John D. Burnside
Snell & Wilmer, L. L. P.
One E. Washington Street,
Suite 2700
Phoenix, AZ 85004-2556

Jacob Kavkewitz
Pima County Attorney's Office
Civil Division
32 N. Stone Avenue, Ste 2100
Tucson, AZ 85701

Joseph John Escapule
3477 Rodeo Dr Unit 239
Sierra Vista, AZ 85635

Josh Edelstein Phoenix Field
Solicitor
Office of the Solicitor
U.S. Department of the Interior
Sandra Day O'Connor U.S.
Courthouse
401 W. Washington St., Ste.
404, SPC 44
Phoenix, AZ 85003

Kelly Schwab & Daniel L.
Brown
City of Chandler
City Attorney's Office
Mail Stop 602, P. O. Box 4008
Chandler, AZ 85244-4008

Kimberly R. Parks and Karen J.
Nielsen
Arizona Department of Water
Resources
1110 West Washington, Suite
310
Phoenix, AZ 85007

Kirton McConkie, Real Estate
Dept.
Latter-Day Saints Church
36 South State Street, Suite
1900
Salt Lake City, UT 84111-1004

Kris Carlson
Cochise County Attorney
P. O. Drawer CA
Bisbee, AZ 85603

Kristen Copeland
Copeland Law Offices, PLLC
PO Box AT
Bisbee, AZ 85603

L. William Staudenmaier
Snell & Wilmer, L. L. P.
One E. Washington Street
Suite 2700
Phoenix, AZ 85004

Lauren Caster & Bradley Pew
Fennemore Craig, P.C.
2394 East Camelback Road
Ste 600
Phoenix, AZ 85016-3429

Lee Storey
TSL Law Group, PLC
8767 E. Via De Ventura, Suite
126
Scottsdale, AZ 85258

Lucas J. Narducci
Snell & Wilmer, L.L.P.
One E. Washington Street,
Suite 2700
Phoenix, AZ 85004-2556

Lucky Hills Partnership
c/o Mary Ann Black
7451 East Winchester Road
Sierra Vista, AZ 85635

Merrill C. Godfrey
Akin Gump Straus Hauer &
Feld LLP
2001 K Street, N.W.
Washington, DC 20006

Michael J. Hayhurst
101 W River Rd Unit 147
Tucson, AZ 85704-5127

Susan B. Montgomery, Robyn
Interpreter,
Montgomery & Interpreter PLC
3301 E. Thunderbird Road
Phoenix, AZ 85032

Patrick Redmond
USDA Office of the General
Counsel
1400 Independence Ave, SW
Rm 3550B
Washington, DC 20250

Safford District Office
U.S. Bureau of Land
Management
711 14th Avenue
Safford, AZ 85546

R. Lee Leininger, David W.
Gehlert
U.S. Department of Justice
Environment & Natural
Resources Division
Natural Resources Section
999 18th Street, S. Terrace,
Suite 370
Denver, CO 80202

San Pedro Project Office
U.S. Bureau of Land
Management
4070 South Avenida Saracino
Hereford, AZ 85615-5847

Robert D. Anderson
Fennemore Craig, P. C.
2394 E. Camelback Road,
Suite 600
Phoenix , AZ 85016

Sandy Susan Anderson
3918 Gray Hawk Lane
Sierra Vista, AZ 85635

Robert W. Boucher
PO Box 1065
Hereford, AZ 85615

Sean Hood
Fennemore Craig, P.C.
2394 E Camelback Rd, St 600
Phoenix, AZ 85016-3429

Ross Meracle, Dec.
c/o Beatrice Meracle
446 East Meisterhaus Street
St. David, AZ 85630-6237

Sonia M. Blain & Janis L.
Bladine
Tempe City Attorney's Office
21 E. Sixth Street #201
Tempe, AZ 85281

Sherri L. Zendri
Special Master
Central Court Building, Ste 3A
201 West Jefferson
Phoenix, AZ 85003-2205

Tombstone Amigos, L.L.C.
c/o Allan Little
P. O. Box 808
Tombstone, AZ 85638

Wilbert J. Taebel
City of Mesa
City Attorney's Office
P. O. Box 1466
Mesa, AZ 85211-1466

William H. Anger & Michael P.
Rolland
Engelman Berger, P.C.
2800 N. Central Ave., Ste.
1200
Phoenix, AZ 85004

ATTACHMENT A



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 San Pedro Riparian National Conservation Area

Contested Case No. W1-11-232

Start Date/Time: April 30, 2024 at 10:00 a.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](#)

