

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

April 21, 2022

CLERK OF THE COURT

SPECIAL WATER MASTER  
SUSAN HARRIS

S. Ortega  
Deputy

In Re: David and Fay Gard  
Contested Case No. W1-11-2726

FILED: 4/28/2022

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)

**MINUTE ENTRY**

Central Court Building – Courtroom 301

2:30 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:

- Michael K. Foy and Mark A. McGinnis for Salt River Project
- Joseph P. Sparks and Laurel A. Herrmann and for the San Carlos Apache Tribe
- Joel and Donna Quisenberry
- Kimberly R. Parks and Kome Akpolo for Arizona Department of Water Resources (ADWR); also observing are Mike Hilstrom and Leandra Marshall
- Bradley J. Pew and Christina Jovanovic for ASARCO
- Lauren Mulhern for the Tonto Apache Tribe
- Susan B. Montgomery for the Yavapai Apache Nation and observing for the Pasqua Yaqui Tribe
- Thomas L. Murphy for the Gila River Indian Community

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

Mrs. Quisenberry updates the Court as to the status of the historical documentation. She received the documentation from [glorerecords@blm.gov](mailto:glorerecords@blm.gov) which was recommended by both Washington and Riverside National Archives. She has forwarded the information to all of the parties.

Mr. Foy states that he received the documents from Ms. Quisenberry with a date of June 20, 1910 but without the patent number. The map that shows the GPS coordinates is hand drawn and needs to be paired with an aerial image.

Mrs. Quisenberry states that she was unable to edit the map provided to her by ADWR.

Mr. Sparks states that their research has not produced any documents from June 1910.

Mr. Gehlert states that to his knowledge, the United States has not received any documents from Claimants.

Mr. Sparks states that the chart or spreadsheet received by claimants does not have adequate information on it regarding the original settlers who applied for patents or the patent numbers.

Mrs. Quisenberry states that she has spoken to both National Archives in Washington, D.C. and Riverside, CA.

Ms. Montgomery states that the Claimant in addition to contacting the National Archives, may be able to contact BLM and provide the accession number that is on the document and perhaps she may be able to get more information. Ms. Montgomery will forward the link to Ms. Quisenberry to obtain a copy of the form.

Mrs. Quisenberry inquires about the consequences for not being able to provide the required documentation. The Court informs the claimant that the parties will most likely not withdraw their objections and then the matter will be set for trial.

The Court will set another status conference in this matter.

Ms. Parks informs the Court that they had some trouble with the GPS coordinates that Mrs. Quisenberry provided and suggests that she redo them.

Mrs. Quisenberry invites the parties to walk the property if they so choose, but she is not prepared to do any more work on the GPS coordinates.

Mrs. Quisenberry requests the email address for the United States so that she can send them a copy of the historical documentation in her possession.

2:50 p.m. Matter concludes.

**LATER:**

Requests for documents, such as homestead affidavits and patents, from the National Archives can be made under the tab “Federal Land Entry Files” on the website: <https://www.archives.gov/forms>.

National Archives is accepting requests that it represents will be delivered in 60 to 90 days. Requests are made on a Form NATF 84. The land involved in this case is in Section 31 Township 13S Range 20E and Section 32 Township 13S Range 20E. According to the Statement of Claim 36-29052, referenced by Arizona Department of Water Resources, the property was used by the Teran and Kelly families.

The Natural Resource Use and Management Clinic, a law clinic at the University of Arizona, may be a resource for Claimants. The director of the law clinic is Priya Sundareshan. Email: [priyaz@email.arizona.edu](mailto:priyaz@email.arizona.edu).

**IT IS ORDERED** that Donna and Joel Quisenberry shall file a Status Report by **August 15, 2022**. The Status Report shall identify the date that a request was made to the National Archives for a homestead affidavit, the date documents were received or, if no documents received, the reason given by the National Archives for not providing documents. The date the documents were provided to objecting parties and the date of any conversation with the objecting parties about the documents provided. A copy of the Status Report shall be mailed to all persons on the Court-approved mailing list.

A copy of this order is mailed to all parties on the Court-approved mailing list for this case.