

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

9/8/2022

CLERK OF THE COURT

SPECIAL WATER MASTER  
SUSAN WARD HARRIS

A Parmar  
Deputy

FILED: September 15, 2022

In re: H. Clifford and Carolyn Dobson  
Contested Case No. W1-11-2789

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)

In re: Status Conference

**MINUTE ENTRY**

Central Court Building – Courtroom 301

1:30 p.m. This is the time set for a Status Conference before Special Water Master Susan Ward Harris to discuss the status of the case including the receipt of lack of receipt of necessary documents from the National Archives and to obtain information from ADWR about the status of the pending application for a severance and transfer for claimed water rights in this case.

The following attorneys and parties appear virtually through Court Connect:

- Carla Consoli on behalf of the Nature Conservancy
- David Brown on behalf of Ted Jarvi and Helen Leslie Hall and Three Bar K, LLC
- Mark McGinnis on behalf of Salt River Project (“SRP”)
- Joe Sparks and Laurel Herrmann on behalf of San Carlos Apache Tribe
- Richard Palmer on behalf of the Tonto Apache Tribe
- Kimberly Parks and Kome Akpolo observing on behalf of Arizona Department of Water Resources (“ADWR”)
- Sue Montgomery on behalf of Yavapai-Apache Nation and observing on behalf of the Pascua Yaqui Tribe
- Thomas Murphy on behalf of the Gila River Indian Community
- Rhett Billingsley on behalf of American Smelting and Refining Company (“ASARCO”)

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

**LET THE RECORD REFLECT** that the United States' counsel and landowners, Robert Mark Dell' Oliver and Debra Ann Longley are not present for today's hearing.

Mr. Brown reports that Rocky and Evenette Greenfield have sold the land, tax parcel 208-02-013A, to Craig, Susan, Mary and David Zeerip.

Mr. Brown informs the Court that he has not obtained all of the requested records from the National Archives and has not been able to move forward in regards to claims for Three Bar K, LLC. In the past 18 months he has received one out of three requested documents from the National Archives. Like in his other cases where he is waiting on documents from the National Archives, he would like to be able to advise the Court once he has received all of the documents.

The Court inquires of Ms. Consoli regarding what Statement of Claimants have been filed for domestic use. Ms. Consoli explains that parcels 1A and 1B were one parcel conveyed by Nature Conveyance. It appears that one parcel was granted a domestic SOC and one parcel was granted an irrigation SOC. Ms. Consoli addresses the Court regarding the parcels she has identified as having irrigation or domestic use SOCs. She listed as the relevant SOCs: 39-6115, 39-6116, 39-6128, 39-18174, 39-18172, and 39-18173.

Mr. Brown addresses the Court regarding the sale of H.C. Dobson Jr. Ranch. He indicates that he is not aware of who the property was sold to and will have to do some research to find the new owners.

Mr. McGinnis addresses the Court. He believes the private landowners' issues will need to be addressed before SRP's issue for a severance and transfer can be addressed.

Mr. Billingsley, Mr. Palmer, Ms. Montgomery and Mr. Sparks agree with Mr. McGinnis' position that progress in this case cannot be made until the National Archives delivers the requested documents necessary to establish water rights and priority dates.

1:52 p.m. Matter concludes.

LATER:

**Robert Mark Dell' Oliver and Debra Ann Longley  
(Tax parcel 208-06-001C, E2 Sec. 17 T14S R20E)**

The public records maintained by Arizona Department of Water Resources do not include a Statement of Claimant filed by or assigned to Robert Mark Dell' Oliver and Debra Ann Longley. Under Arizona law, the failure to timely file a Statement of Claimant will bar a person from asserting any water right that was previously acquired, and a person will

forfeit any rights to the use of water from the river system and sources that were not included in a properly filed Statement of Claimant. A.R.S. §45-254(F),

The places of use and types of use for the Statements of Claimant cited by the Nature Conservancy are shown in Table 1.

<b>Statement of Claimant</b>	<b>Place of Use</b>	<b>Type of Use</b>
39-6115	Sections 17, 20, 28, 33 T 14S R20E Sections 3, 4, 10 T 15S R20E	Irrigation
39-6116	Sections 17, 20, 21, 28, 33, 34 T 14S R20E Sections 3, 4, 9, 10 T 15S R20E	Irrigation
39-6128	NE Sec. 17 T14S R20E	Stock watering
39-18172	Tax Parcel 208-02-004C Sec. 28 T 14S R 20E	Domestic Use
39-18173	Tax Parcel 208-02-004C Sec. 28 T 14S R 20E	Stock watering
39-18174	Tax Parcel 208-02-004C Sec. 28 T 14S R 20E	Domestic Use

*Table 1*

## **National Archives**

This case is one of a group of cases that have had to be stayed due to extended waits for documents requested from National Archives that claimants believe are necessary to provide evidence of their water rights. This case began on May 18, 2020 to adjudicate water rights on land in Southern Arizona located within Township 14S Range 20E and Township 15 S Range 20 E of the Gila and Salt River Baseline and Meridian.

At the Status Conference on March 11, 2021, Mr. Brown reported that the National Archives was not responding to requests for documents necessary for his clients to establish water rights. On May 27, 2021, this case was stayed until the National Archives resumed accepting and fulfilling new online document requests. At the November 4, 2021 status conference, Mr. Brown stated that he still has not been able to obtain documents from National Archives. At this status conference, Mr. Brown reports that he has only received a partial set of the documents requested from the National Archives.

**IT IS FURTHER ORDERED** that this case will be stayed until Mr. Brown provides notice that he has received a complete set of documents requested from the National Archives. Upon receipt of notice, a Scheduling Conference shall be set within 60 days. At the Scheduling Conference, Mr. Dell’Oliver and Ms. Longley shall be prepared to identify the Statement of Claimant that asserts their claim for a water right. In

addition, all of the parties shall be prepared to state whether they have resolved the objections and are prepared to enter a stipulation with respect to water rights. If the parties have not reached agreement, then dates shall be set for filing disclosure statements, discovery deadlines, and a trial date.

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