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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, W-2, W-3, W-4 (Consolidated)  Contested Case No. W1-11-3239  ORDER TO SET STATUS CONFERENCE
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CONTESTED CASE NAME: <i>In re Manuela Franco</i>
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report
DESCRIPTIVE SUMMARY: Status conference set for <b>January 10, 2022 at 2:10 p.m.</b>
NUMBER OF PAGES: 13
DATE OF FILING: November 9, 2021

On July 16, 2020, Francisco and Anna Estrada filed a form of an abstract for a water right. A Status Conference was held on August 28, 2020, to discuss the form of abstract. Francisco and Anna Estrada did not attend the Status Conference.

On October 30, 2020, the San Carlos Apache Tribe filed a Status Report stating that documents regarding a settlement among the parties had been distributed but Francisco and Anna Estrada had not responded to the emails regarding the settlement discussions. On January 22,

1 2021, a Status Conference was held that the Objecting parties attended. Francisco and Anna  
2 Estrada did not attend the Status Conference. A copy of the Minute Entry for the January 22,  
3 2021 Status Conference is attached as Attachment A.

4 According to counsel for San Carlos Apache Tribe at the January 22, 2021 Status  
5 Conference, a proposed abstract for domestic water rights had been circulated among the parties  
6 but a map of the irrigated land had to be provided by Francisco and Anna Estrada before a  
7 proposed abstract could be prepared. On March 1, 2021, Arizona Department of Water  
8 Resources prepared a map of the land that included the section, township and range. A copy of  
9 the map is attached as Attachment B. The map was provided for Francisco and Anna Estrada to  
10 provide the boundaries of the irrigated land to complete the proposed abstracts.

11 At the January 22, 2021 status conference, a set of instructions and deadlines were set.  
12 Francisco and Anna Estrada were instructed to contact Manuela Franco to discuss an assignment  
13 of Statement of Claimant 39-12960. A review of the public documents of Arizona Department  
14 of Water Resources does not include an assignment of Statement of Claimant 39-12960 from  
15 Manuela Franco to Francisco and Anna Estrada.

16 At the January 22, 2021 status conference, the parties were instructed to file a Proposed  
17 Form of Stipulation by May 3, 2021 if they could mutually resolve all objections. No Proposed  
18 Form of Stipulation has been filed. At the January 22, 2021 status conference, the parties were  
19 also instructed that if they were unable to settle the objections, that each party must file a  
20 Disclosure Statement by July 16, 2021. Six Disclosure Statements were filed or on by July 16,  
21 2021. Manuela Franco, Francisco and Anna Estrada did not file a Disclosure Statement.  
22

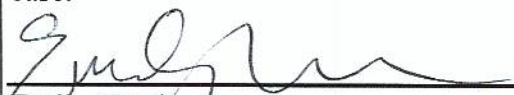
23 Francisco and Anna Estrada have missed a filing deadline and not appeared at two court  
24 proceedings set in this case. It appears that they have not participated in this case for more than  
25 a year. Accordingly,  
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On November 9, 2021, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for this contested case.

  
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Emily Natale

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**ATTACHMENT A**

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

1/22/2021

CLERK OF THE COURT

SPECIAL WATER MASTER  
SUSAN WARD HARRIS

S. Motzer  
Deputy

In re: Manuela Franco  
Contested Case No. W1-11-3239

FILED: 01/29/2021

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

2:30 p.m. This is the time set for a Status Conference before Special Water Master Susan Ward Harris. The parties appear telephonically.

The following attorneys appear telephonically: Michael Foy on behalf of Salt River Project, Luke Christian on behalf of Tonto Apache Tribe, Laurel A. Herrmann and Joe Sparks on behalf of the San Carlos Apache Tribe, Kimberly R. Parks on behalf of Arizona Department of Water Resources, John Burnside on behalf of BHP Copper, and Bradley Pew on behalf of ASARCO. Francisco and Anna Estrada are neither present nor represented by counsel.

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

Ms. Herrmann stated after filing the Status Report, all of the parties, including the Estradas, agreed to the proposed abstracts. She further states that they have provided a Proposed Form of Stipulation and Abstract to the parties. She has not heard from the Estradas about the Proposed Form of Stipulation. Ms. Herrmann reported that before a stipulation can be completed, a map of the irrigated land must be provided.



**IT IS ORDERED** that ADWR shall prepare an aerial map of the land included within the boundaries of Watershed File Report 114-04-DBC-006 that labels the well located on the land. The map shall include an overlay showing the section, township and range in which the land is located. The map shall be distributed to the parties by **March 12, 2021**.

The Court states that if a form of a stipulated order and proposed abstracts are not agreed to by the parties, it will proceed with scheduling a trial with no further status conferences being set.

2:37 p.m. Matter concludes.

LATER:

This case involves a Statement of Claimant filed by Manuela Franco. At the August 28, 2020 status conference, Ms. Franco agreed to assign the Statement of Claimant. The public records of ADWR do not contain an assignment of Statement of Claimant 39-12960.

Based on the representations made by the parties who have attended the Status Conferences, the parties have agreed to proposed abstracts that define water rights that will be owned by Francisco and Anna Estrada. Before the proposed abstracts can be approved, a map showing the irrigated land must be completed and attached to the proposed abstracts.

All of the parties have not signed a document known as a stipulation, which is the parties' formal agreement to the proposed abstracts. Because the stipulation has not been signed and filed with the court, all of the objections to the potential water rights are still in effect.

The following steps must be taken in this case to complete a settlement of the objections to the potential water rights:

1. An assignment of Statement of Claimant 39-12960 from Manuela Franco must be signed by Manuela Franco and Francisco and Anna Estrada. The form of assignment can be obtained from the Arizona Department of Water Resources' website:  
<https://new.azwater.gov/sites/default/files/GILAassignment-fillable.pdf>.  
Mrs. Franco's address is 44344 West Rhinestone Road, Maricopa, Arizona 85139. After the assignment is filed, Mrs. Franco will no longer be a party in this case.
2. If Francisco and Anna Estrada desire to settle the objections in this case, a map of the irrigated land must be prepared. The Arizona Department of Water Resources will provide a map of the land by **March 12, 2021**.

Francisco and Anna Estrada must use that map to draw the boundaries of the irrigated land and insert GPS coordinates at the corners of the irrigated land.

3. If Francisco and Anna Estrada desire to settle the objections in this case, Francisco and Anna Estrada must provide the completed map to all of the parties in this case. A list of the current parties and their addresses is provided below.
4. A settlement of the case requires that all of the parties sign a Stipulation agreeing to the proposed abstracts and the map and file it with the court.

If a Proposed Form of Stipulation along with abstracts and a map is not filed by **May 3, 2021**, then it will be assumed that the parties could not or did not want to settle the objections to proposed water rights. If a settlement acceptable to all of the parties cannot be reached, the objections to the potential water rights and the claims for any water rights that Francisco and Anna Estrada pursue will be decided after a trial. At the trial, the parties will have the opportunity to present evidence regarding their claims and objections.

**IT IS FURTHER ORDERED** that if the parties are not able to settle the objections to the potential water rights, the following schedule shall apply:

	<u><b>Due Date</b></u>
<b>Disclosure Statements</b>	<b>July 16, 2021</b>
<b>Discovery deadline</b>	<b>December 6, 2021</b>
<b>Trial</b>	<b>February 21, 2022</b>



The parties and/or counsel for the parties currently involved in this case are:

F. Patrick Barry and Emmi Blades  
U.S. Department of Justice  
P. O. Box 7611  
Washington, DC 20044-7611

L. J. Caster, B.J. Heiserman, B. J. Pew  
Fennemore Craig, P.C.  
2394 East Camelback Road Ste 600  
Phoenix, AZ 85016-3429

Francisco and Anna Estrada  
P. O. Box 822  
San Manuel, AZ 85631

Linus Everling and Thomas L. Murphy  
Gila River Indian Community  
Office of the General Counsel  
P. O. Box 97  
Sacaton, AZ 85147

John B. Weldon, Mark A. McGinnis,  
Michael K. Foy  
Salmon, Lewis & Weldon  
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Phoenix, AZ 85016

Lucas T. Christian  
Richard Palmer, Jr and Jeremiah Weiner  
Rosette, LLP  
565 W. Chandler Blvd. Suite 212  
Chandler, AZ 85225

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

Sue Montgomery, Robin Interpreter, and  
Jay Tomkus,  
Montgomery & Interpreter PLC  
3301 E. Thunderbird Road  
Phoenix, AZ 85032

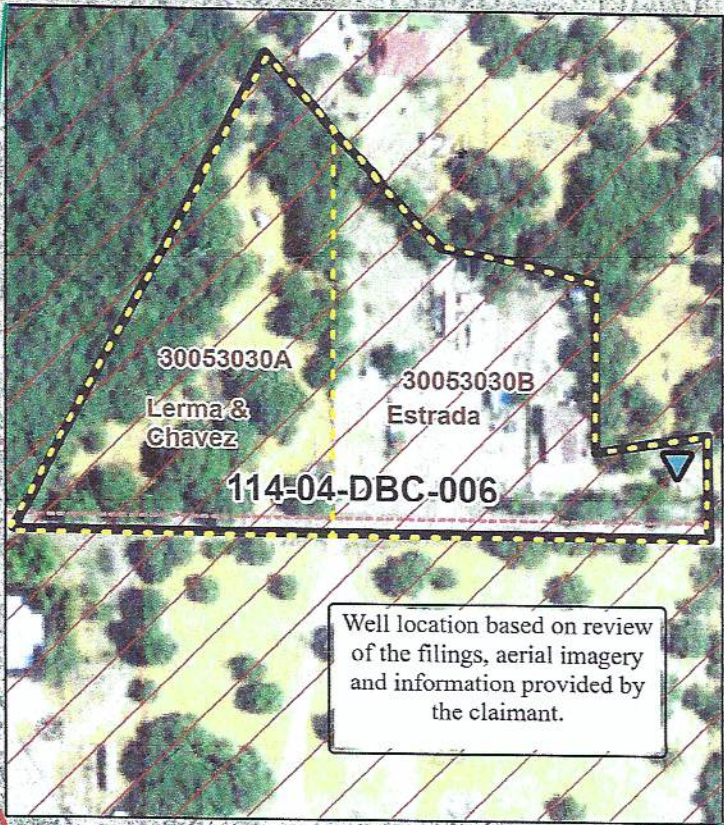
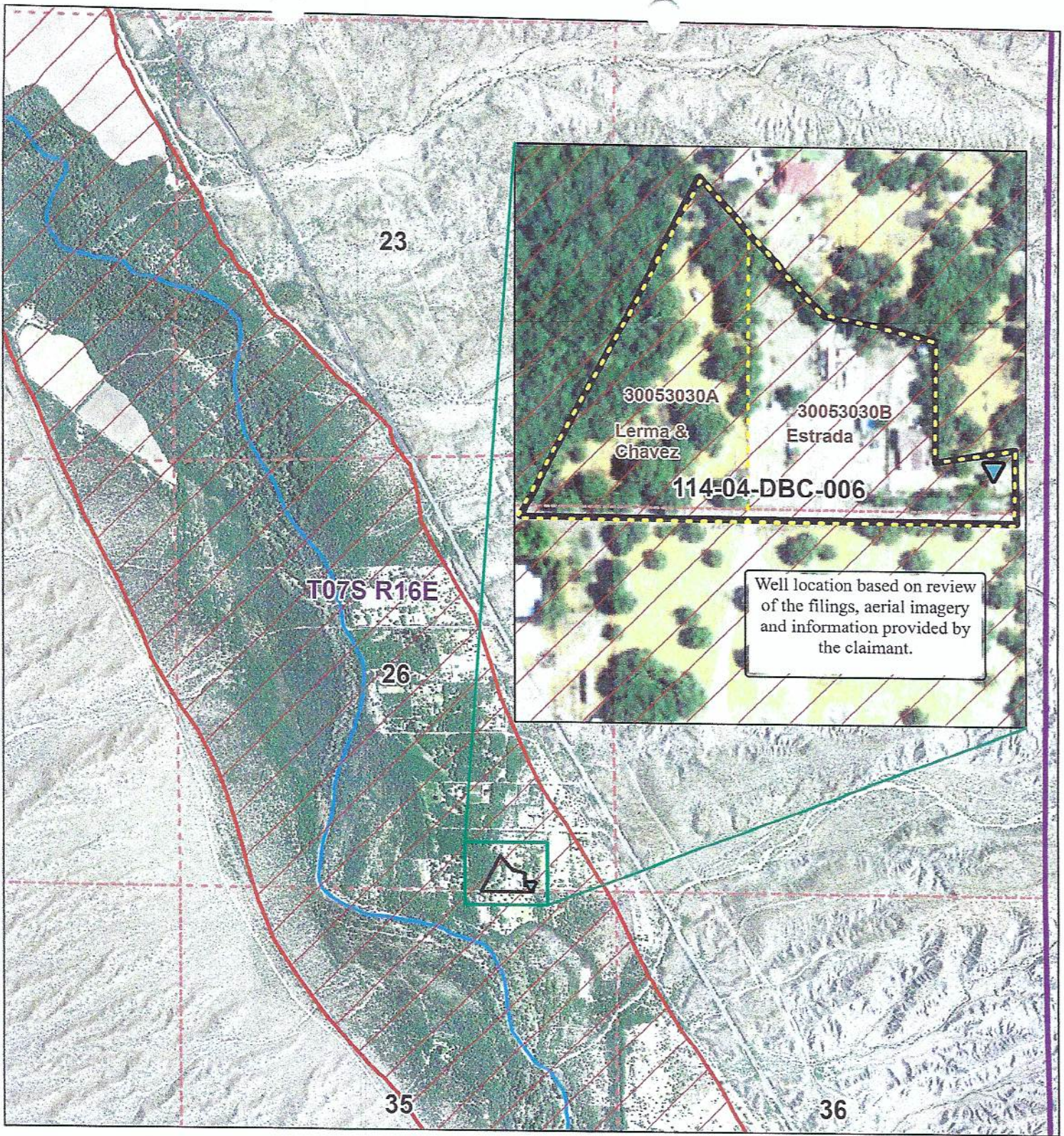
John D. Burnside  
Snell & Wilmer, L.L.P.  
400 E. Van Buren Street, Ste. 1900  
Phoenix, AZ 85004

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


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**ATTACHMENT B**

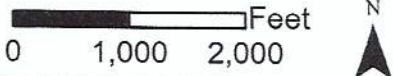




***In re Manuela Franco***  
 Contested Case W1-11-3239  
 Watershed File Report  
 114-04-DBC-006  
**Section 26, Township 07S, Range 16E**



**ADWR March 2021**



Legend	
	Well 55-807769
	San Pedro River
	Pinal Parcels
	Township
	WFR Boundary
	Section
	Subflow Zone

Data sources include: Pinal County Parcels 2020, Aerial Imagery; NAIP 2019



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**ATTACHMENT C**



## Court Connect Hearing Notice for In re Manuela Franco

*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 Manuela Franco, Contested Case No. W1-11-3239

**Start Date/Time:** January 10, 2022 at 2:10 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](#)

