

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

10/14/2021

CLERK OF THE COURT

SPECIAL WATER MASTER  
SUSAN WARD HARRIS

L. Brown

Deputy

In re: David T. & Marilyn Lee et. al  
Contested Case W1-11-3422

In re: The General Adjudication  
of All Rights to Use Water in the  
Gila River System and Source

FILED:  
10/20/2021

**MINUTE ENTRY**

**Courtroom CCB 301**

3:00 p.m. This is the time set for a Status Conference before Special Master Susan Ward Harris.

W-1, W-2, W-3 and W-4 (Consolidated)

The following attorneys and parties appear via the Court Connect/Teams:

- Rhett Billingsley on behalf of ASARCO
- Thomas Murphy on behalf of Gila Indian River Community
- David Brown on behalf of Roy G. and Yvonne Haught and Allison Randle and Clayton Randle
- Mark McGinnis on behalf of Salt River Project (“SRP”)
- Joe Sparks on behalf of the San Carlos Apache Tribe
- John Burnside on behalf of BHP Copper
- Kimberly Parks on behalf of Arizona Department of Water Resources (“ADWR”)
- Richard Palmer on behalf of the Tonto Apache Tribe
- Sue Montgomery on behalf of the Yavapai-Apache Nation (and observing on behalf of the Pascua Yaqui Tribe)

Richard Holcomb and Karen Holcomb are not present nor represented by counsel.

The Court addressed Mr. Murphy asking whether or not he had obtained any documents from Mr. Holcomb.

Mr. Murphy addressed the Court and stated he had not received documents.

The Court asked if there had been any conference calls held between the parties.

Mr. Murphy advised the Court that there had not been any conferences held.

The Court addressed Mr. Brown asking if he had obtained any documents from Mr. Holcomb.

Mr. Brown advised the Court that he had not obtained any documents and had not communicated with anyone regarding this matter.

The Court advised the parties that there was no compliance with the Order filed, and asked if anyone had communicated with Mr. Holcomb.

The Court addressed Mr. Brown.

Mr. Brown advised the Court that the National Archives are still closed and he has not been able to obtain documentation regarding his clients' portion of the property. He did not consider what Mr. Holcomb has on his property. He would ask the Court to stay his clients' case because the wells are located outside the subflow flow zone and he does not know how much surface water he will need to provide for without knowing what the Cone of Depression and Subflow Depletion test will show. The wells are about 4 or 5 miles outside the subflow zone.

The Court advised Mr. Brown that he has a certificate of water right, and asked if he wanted to proceed on that basis. Mr. Brown advised the Court that it has a 1980 priority date and it is not as valuable it appears.

3:04 p.m. matter concludes.

LATER: A copy of the order initiating this case was mailed to the last known address for Daniel T. Cloud and Robert Stephens. The order has been returned as not deliverable and no forwarding address was provided.

**IT IS ORDERED** that Daniel T. Cloud and Robert Stephens shall be removed from the Court approved mailing list.

### **Richard and Karen C. Holcomb**

By Order filed August 20, 2021, Mr. and Mrs. Holcomb were directed to provide the parties in this case with documents by **September 17, 2021**, discuss their claims with the objecting parties by **October 1, 2021**, and appear at a Status Conference on **October 14, 2021**. Based on the representations of the objecting parties, Mr. and Mrs. Holcomb did not provide documents or engage in discussions. Mr. and Mrs. Holcomb did not appear at the Status Conference.

**IT IS FURTHER ORDERED** setting a Scheduling Conference for **January 10, 2022** at **2:00 p.m.** for the purpose of setting dates for discovery deadlines, dispositive motions, and trial to adjudicate the claimed water rights and the objections to the watershed file report. Failure to comply with Orders issued in this case and appear at scheduled conferences may result in the dismissal of the claims for water rights.

The Status Conference shall be held using the Court Connect program. Instructions for Court Connect are attached to this Order. If you receive this Order by email, click on the red box “Join Court Connect Hearing” on the attached instructions to make an appearance. If you do not receive this Order by email, log into the Court Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend telephonically using the telephone number and access code included in the instructions for Court Connect. You may also attend telephonically using the following numbers:

Instructions for telephonic participation:  
Dial: 602-506-9695 (local)  
1-855-506-9695 (toll free long distance)  
Dial Collaboration (conference) Code 357264#

## **Roy G. and Yvonne Haught and Allison Randle and Clayton Randle**

**IT IS FURTHER ORDERED** granting the stay requested on behalf of Roy G. and Yvonne Haught and Allison Randle and Clayton Randle (collectively “Claimants”) until the Subflow Depletion test is completed and approved based on the understanding that the Claimants do not intend to claim appropriable water rights based on Certificates of Water Right 85239 and 85240.

**IT IS FURTHER ORDERED** vacating the Order filed August 20, 2021 for a status report due January 10, 2022.

**NOTE:** All court proceedings are recorded digitally and not by a court reporter. The parties or counsel may request a CD of the proceedings. For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.

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



## Court Connect Hearing Notice for In re David T. & Marilyn Lee et. al

*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 David T. & Marilyn Lee et. Al Contested Case No. W1-11-3422

**Start Date/Time:** January 10, 2022 at 2:00 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](#)

