

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

Date 12/12/2019

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

A. Hatfield

Deputy

In re: Howard S. and Ella D. Slotter
Contested Case No. W1-11-2838

FILED: 01/06/2020

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

Courtroom: CCB 301

2:29 p.m. This is the time set for a Status Conference consider the claims for water rights and resolve objections to Watershed File Report (“WFR”) 114-01-CDC-007.

The following attorneys and parties appear in-person: Michael Foy on behalf of the Salt River Project (“SRP”) and Rhett Billingsley on behalf of ASARCO.

The following attorneys and parties appear telephonically: Charles Jordan on behalf of Palo Verde RV Park LLC; John Burnside on behalf of BHP Copper; Lucas Christian on behalf of Tonto Apache Tribe; Laurel Herrmann on behalf of San Carlos Apache Tribe; Susan Montgomery on behalf of Yavapai Apache Nation; and Kimberly Parks on behalf of Arizona Department of Water Resources (“ADWR”).

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

The Court notes that the landowner according to the county assessor is Palo Verde RV Park LLC and the claimants (the persons who filed the claim for water rights) were Howard S. and Ella D. Slotter. A copy of the order setting this status conference was sent to the last known address for Howard S. and Ella D. Slotter on record with ADWR and the order was returned as non-deliverable.

Mr. Jordan reports that Howard and Ella Slotter are deceased and that he bought the property from their son, Tom Slotter.

IT IS ORDERED THAT Howard and Ella Slotter shall be removed from the court-approved mailing list.

The Court further notes that the other claimant is ASARCO according to ADWR.

Mr. Billingsley states that ASARCO filed a report clarifying its objections. ASARCO believes that the watershed file report (“WFR”) incorrectly includes a small portion of ASARCO’s field (1/10th of an acre) within the boundaries of property that was previously owned by Howard and Ella Slotter and now owned by Palo Verde RV Park LLC. In doing so, ADWR included one of ASARCO’s statements of claimant and listed one of its wells in the WFR and stated that there was shared use of the well.

Discussion is held regarding the two wells that are located on Palo Verde RV Park’s property. Mr. Jordan states that there are two wells on his property. Mr. Jordan provides the well registration numbers to the court: 55-601353 and 55-601354. Mr. Jordan states that the water from the wells are used to supply water to 22 RV spaces, not all of which are filled, and one house.

Ms. Parks states that ADWR may have to investigate the matter to determine whether the WFR applies to the claimed water uses.

The court inquires if the WFR should be amended or whether ADWR should prepare a new WFR. Discussion is held.

Mr. Foy states that a new investigation should be conducted by ADWR and a new WFR prepared rather than an amended WFR because first, in this case ADWR prepared a Zone 2 Report and not a WFR. Also, the well that was the focus of the Zone 2 Report is not at issue in this case.

Mr. Billingsley stated that it is his client’s position that the 1/10th of an acre of irrigated land referenced in the Report belongs to ASARCO and that issue should be resolved in this case. He also stated that the wells that provide water for the trailer park may be outside of the subflow zone so ADWR should investigate and prepare a new report to be added to the San Pedro II HSR.

The parties have no objection to Mr. Billingsley’s proposal to consolidate this case with ASARCO’s case involving Robinson Ranch and create a new case for the Palo Verde Trailer Park.

IT IS FURTHER ORDERED that ADWR is to prepare a new WFR for the claims brought by the Palo Verde Trailer Park because the water usage reported in the Zone 2 Report is not consistent with the information provided by Mr. Jordan.

Mr. Jordan states that he has 13 acres of land and none of it is irrigated.

IT IS FURTHER ORDERED consolidating this case with *In re: Asarco-Irrigation* contested case W1-11-2801 and the only issues that will be addressed will be whether an additional 1/10th of an acre of irrigated land will be added to the amount of irrigated land attributable to ASARCO. No water rights will be adjudicated in this case based on Statements of Claimant filed by Howard and Ella Slotter and from water sources that are wells located on land previously owned by the Slotters and now owned by Palo Verde RV Park LLC.

Further discussion is held regarding the SOC's filed by the Slotters: 39-4037 and 39-4038. The SOC's have not been assigned to the Palo Verde RV Park.

IT IS FURTHER ORDERED directing Mr. Jordan to work with Tom Slotter and ADWR to assign the SOC's from the estate of the claimants to Palo Verde RV Park LLC.

2:43 p.m. Matter concludes.

LATER:

According to the Well Registry Report maintained by ADWR, Charles and Sandra Jordan are listed as the owners of wells with Well Registration Numbers 55-601353 and 55-601354. Those wells are located in the southwestern quarter of Section 30 T5S R16E. The well listed in the Watershed File Report prepared by ADWR is located in the southeastern quarter of Section 25 T5S R15E.

The Zone 2 Report essentially provides information about a well located on property owned by ASARCO and an amount of irrigated acreage that ASARCO claims should be added to the total acreage irrigated by ASARCO. The Zone 2 Report does not address the two wells identified by Mr. Jordan that are the sources of water and points of diversion for water used on land owned by the Palo Verde RV Park LLC. Further, the Zone 2 Report provides information about neither the types of use nor places of use of water claimed for the property owned by Palo Verde RV Park LLC.

As a result, the Zone 2 Report cannot be considered the report required by A.R.S. section 45-256 that investigates claims for water use on land previously owned by Howard and Ella Slotter. It is instead a Report that continues the work of investigating water uses claimed by ASARCO.

IT IS ORDERED that ADWR shall prepare a new watershed file report that investigates claims made with respect to the water used on the 13 acres that Mr. Jordan represented are owned by Palo Verde RV Park LLC from the two wells identified above. The report shall identify whether the wells are located in the subflow zone. Upon completion of the report, ADWR shall file a notice of the completed report in this general

adjudication using the case number for the general adjudication. In the notice, ADWR shall advise the Court of the new number which it has assigned to its investigative report and a determination shall be made at that time as to the appropriate course of action.

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