

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

01/07/2020

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

A. Hatfield

Deputy

In re: Augustine and Martha Avechuco
Contested Case No. W1-11-3119

FILED: 01/14/2020

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

1:42 p.m. This is the time set for a Status Conference to consider the claims and resolve objections to Watershed File Report ("WFR") 114-04-BAC-009.

The following attorneys and parties appear in-person: Mark McGinnis on behalf of Salt River Project ("SRP").

The following attorneys and parties appear telephonically: John Burnside on behalf of BHP Copper; Laurel Herrmann on behalf of the San Carlos Apache Tribe; Kimberly Parks on behalf of AZ Department of Water Resources ("ADWR"); Bradley Pew on behalf of ASARCO; Jay Tomkus on behalf of Yavapai-Apache Nation; Landowner Augustine Avechuco on his own behalf and on behalf of Martha Avechuco; and landowner James Goad on his own behalf and on behalf of Sandra Goad.

Court reporter, Kristin Decasas, is present and a record of these proceedings is made digitally.

The Court addresses Mr. Avechuco and the claims that he has filed for water rights for domestic and irrigation use. Mr. Avechuco states that he stills owns the property that he owned in the 1980s at the time he filed the Statement of Claimant.

The Court address Mr. Goad regarding the property that he owns. Mr. Goad explained that Martha Avechuco and Sandra Goad are sisters and they inherited property from their parents.

Mr. Goad reports that he has not filed a Statement of Claimant. Discussion is held regarding the well that he drilled on his property which he registered. Mr. Goad provides the well registration number to the court: 55-530492. He states that the well is registered in the name of his wife, Sandra Hernandez Goad.

The Court further addresses Mr. Goad regarding the well. The Court does not have enough information at this time to provide Mr. Goad with further instructions because it is not known whether the land owned by Mr. and Mrs. Goad was included in the watershed file report prepared by Arizona Department of Water Resources.

Mr. Avechuco states his interest in pursuing his claim for water rights. He agrees to a meeting with the objectors and Arizona Department of Water Resources.

There being no objection from the other parties,

IT IS ORDERED directing Ms. Parks to schedule a meeting with ADWR, the objectors and Mr. and Mrs. Avechuco by **March 31, 2020**.

1:58 p.m. Matter concludes.

LATER:

In its report, Arizona Department of Water Resources identified the land within the boundaries of watershed file report 114-04-BAC-009 as owned by Augustine and Martha Avechuco. On file with the Pinal County Recorder is a Quit Claim Deed dated January 23, 1998 in which Augustine and Martha Avechuco quit claimed property to Sandra and James R. Goad. A copy of the quit claim deed is attached to this minute entry.

IT IS ORDERED that Arizona Department of Water Resources will file a Report by **February 14, 2020**, which states whether tax parcel 300-55-090 that the Pinal County Assessor has identified as owned by Sandra and James Goad is included within the boundaries of the area included in watershed file report 114-04-BAC-009.

If tax parcel 300-55-090 is included within the boundaries of the area included in watershed file report 114-04-BAC-009, then Arizona Department of Water Resources shall include in its Report the registration number of the well referenced in watershed file report 114-04-BAC-009. Arizona Department of Water Resources shall state in its Report whether the well registered under registration number 55-530492 was considered as a source of water for the potential water rights included in watershed file report 114-04-BAC-009 and whether well registered under registration number 55-530492 is located within the subflow zone.

If tax parcel 300-55-090 is included within the boundaries of the area included in watershed file report 114-04-BAC-009, then Arizona Department of Water Resources shall identify the acreage of that land included in the reported acreage for which it found prior irrigation use in watershed file report 114-04-BAC-009.

No meeting among the Claimants and the objectors shall be scheduled until the completion and filing of the Report.

* * *

The following is an explanation of the General Adjudication of water rights in Arizona. This explanation is being provided to give people claiming water rights, who are known as "Claimants", a better understanding of these court proceedings. It is not intended as legal advice. If Claimants desire legal advice with regards to their claims for water rights they should contact an attorney.

General Explanation of Court Proceeding.

In Arizona, people, businesses, Indian tribes, the state and federal government, and non-profit organizations can acquire rights to water from lakes, ponds, springs, streams, canyons, ravines, other natural surface channels, and definite underground channels. Water from these sources is known as "appropriable water". In addition, there is a presumption that water pumped from wells located within the subflow boundaries is also appropriable water.

As demand increased over the past century for water in Arizona, it became clear that it was necessary to examine all of the claims to rights to appropriable water to establish valid legal rights to water that could be protected and enforced by the owners of the water rights.

The Arizona legislature enacted a procedure to allow water users to come into court and require the court to determine their legal water rights. The procedure is known as a General Adjudication. The purpose of the General Adjudication is to examine claims for water rights and define those rights. Many western states use general adjudications to determine water rights. General adjudications in some areas of the United States have been completed and others are still in process.

In 1974, a water user in Arizona started this General Adjudication. The Arizona Supreme Court stated that in this General Adjudication all claims made to water must be examined and rights established. This General Adjudication includes claims to water rights in the San Pedro river watershed.

In the San Pedro watershed, more than a hundred thousand claims have been made for water for uses such as domestic, irrigation, stock watering, mining, and

stockponds. The court will establish the water rights of those person, known as Claimants, who have filed a document titled "Statement of Claimant". A Statement of Claimant can include more than one claim for a water right. The failure to file a Statement of Claimant can result in the forfeiture of a right to use appropriable water.

As part of the process of the General Adjudication, Arizona Department of Water Resources investigated the use of water on property which for which it identified Augustine and Martha Avechuco as the owners and prepared a report. A copy of that report was attached to the order dated December 3, 2019. Once the report is prepared, then other water users who have filed Statements of Claimant may file objections to the report prepared by Arizona Department of Water Resources. Objections to the report have been filed and may be obtained by request from the Arizona Department of Water Resources. The Objections have also been posted on the Maricopa County Superior Court's website for the General Adjudication as stated in the order dated December 3, 2019.

The current phase of the proceeding requires the court to make a determination about claimed water rights, the potential water rights shown in the report prepared by Arizona Department of Water Resources, and the validity of the objections to the report. As part of that process, the Claimants can choose to meet informally with the water users who filed objections to the report prepared by Arizona Department of Water Resources to determine whether the objections can be resolved and the parties agree on a set of water rights for the Claimants. Absent an agreement by the parties, a date for a hearing will be set at which time all parties will have the opportunity to present witnesses and evidence to support either their claims for water rights or their objections to the report.

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

QUIT CLAIM DEED

For the consideration of Ten Dollars, and other valuable considerations,

AUGUSTINE AND MARTHA C. AVECHUCO, husband and wife

hereby quit-claim to SANDRA H. AND JAMES R. GOAD, wife and husband

all right, title, or interest in the following real property situated in FINAL County, Arizona:

BEG AT NE CR SEC 17-6S-16E TH N-89 DEG 56' 00" W-72'
TH S-01 DE 11'00" W-688.21 T P O B TH N-89 DEG 17' 41"
W-233.95' S-01 DE 11'00" W-186.19' TH S-89 DEG 17' 41"
E-233.95' TH N-01 DEG 11'00" E-186.19' T P U B 1.00 AC

Dated this 23th day of JANUARY, 19 98

Augustine Avechuco Sandra H. Goad
Marttha C. Avechuco James R. Goad

STATE OF XXX-AZ
COUNTY OF GILA

This instrument was acknowledged before me, the undersigned Notary Public on
JANUARY 23, 19 98

by AUGUSTINE & MARTHA C. AVECHUCO
SANDRA H. & JAMES R. GOAD

known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the foregoing instrument.

JUNE 21, 1999
Seal/Commission Expiration

Sylvia M. Kerlock
Notary Public

