

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

December 2, 2025

CLERK OF THE COURT
A. Parmar
Deputy

SPECIAL WATER MASTER
SHERRI ZENDRI

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)

FILED: December 5, 2025

In re: ASLD - Fred & Carol Telles
Contested Case No. W1-11-001511

MINUTE ENTRY

Courtroom 301 – Central Court Building

10:30 a.m. This is the time set for a Status Conference for ADWR to explain how the agency determined which basis of right applications are extraneous and to discuss the best approach to updating abstracts, when necessary, before Special Water Master Sherri Zendri.

The following parties/attorneys appear virtually through Court Connect:

- Kevin Crestin and Eric Wilkins on behalf of the Arizona State Land Department (“ASLD”)
- Katrina Wilkinson on behalf of the Salt River Project (“SRP”)
- Laurel Herrmann, Joseph Sparks, and Jana Sutton on behalf of the San Carlos Apache Tribe
- Sue Montgomery on behalf of the Yavapai Apache Nation and observing for the Pascua Yaqui Tribe
- Michael Carter on behalf of the Gila River Indian Community

- Bradley Pew and David Brown on behalf of Aztec Land & Cattle Company Ltd., Bar T Bar Ranch Inc., Bayless & Berkalew Company, Flying M Ranch LLLP, and J. Albert Brown Ranches, Inc.
- Mark Widerschein on behalf of the United States Department of Justice
- Karen J. Nielsen and Dustin Rector on behalf of Arizona Department of Water Resources (“ADWR”) with staff, Paul Alder and Faith Shelton of the Surface Water Section
- Michael Rolland on behalf of the cities of Avondale, Gilbert, Mesa, Scottsdale and Tempe
- Rosemary Avila observing on behalf of the Tonto Apache Tribe

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

The Special Water Master inquires how the agency determined which basis of rights to keep versus which are “extraneous” (ADWR’s terminology). Counsel Nielsen clarifies that they have not conducted a full investigation on the listed stockponds, so that determination has not been made yet. She explains that the table lists which 38 filings they found duplicates for in the system. To the extent possible, they will be keeping and attempting to certificate whatever application is currently included on an abstract.

Counsel Wilkins addresses the Court. He inquires if the department factored in whether the filings were submitted by other individuals/lessees in determining which were extraneous and if that will be addressed in this process. He also expresses concern as to eliminating filings where it may undermine a stock watering claim.

Counsel Nielsen addresses the Court. She agrees that a lot of the duplicates were filed by lessees. Their goal is to honor whatever is on the abstract. In the event that the department discovers a duplicate filing by a lessee was certificated, they intend to alert the Special Master and parties as to their findings. As to duplicate filings, they are not able to delete any filings and they intend to inform the filing party that a water right has been adjudicated for a different owner.

The Special Master clarifies that as this process progresses, she intends to hear any issues with stockponds in the particular contested case in which the issue arises.

IT IS ORDERED that filings regarding a specific stockpond claim in a specific contested case shall be filed only in the contested case where the stockpond claim is subject and distributed only to the Court-approved mailing list (“CAML”) for that contested case.

Counsel Sparks asks for clarification of which abstracts are being discussed. The Special Master clarifies that they are discussing approved abstracts where stockponds have not been certificated yet. In some of those cases, there are multiple stockpond applications associated with the abstracted stockpond.

Discussion is held regarding how to proceed on providing notice and updating abstracts. The Special Master proposes providing notice of ten days of the removal of a duplicate filing on an abstract (in the specific contested case). The Special Master does not

expect comments to the notice, but will entertain comments (from the parties in that particular case) in the event of an unforeseen issue or exception. The Special Master does not intend to file a Notice if no change is made to an abstract.

IT IS ORDERED that if a change must be made to an abstract as a result of final certification of a stockpond registration filing, the Special Master will file a 10-day notice for everyone on the CAML in the contested case for the subject stockpond. Parties will have 10 calendar days to notify the Special Master only if there is a *substantive* issue or concern regarding the proposed change. After 10 days a final order making the changes will be issued to everyone on the CAML in the contested case for the subject stockpond.

Counsel Wilkinson does not object to the proposal and does not believe a full round of comments is necessary; but does believe an order to reflect the change should be issued.

Further discussion is held regarding notice. The Special Master proposes that ADWR file a notice of certifications every 3 or 6 months. Counsel Nielsen inquires if this notice should be filed in the IBLI (“Issue of Broad Legal Importance”) or the particular contested case. ADWR projects 10 cases maximum per quarter. The parties agree the notices should be filed in the particular contested case.

IT IS ORDERED that starting March 2026, ADWR shall file a single notice with the Court every three months listing any stockponds that have been certificated in the previous three months. This notice shall list the contested cases of all the stockponds certificated during the period and shall be filed in all those contested cases.

No objections are stated to the proposal of ADWR continuing their certification process, alerting the duplicate filer that it has been adjudicated to a different owner, providing periodic updates to the Special Master with suggested changes (if any), and the Special Master providing notice of any change to an abstract with a ten-day notice for the parties to alert the Special Master of any issue with the proposed change. In the event of no change, ADWR will file notice of certification.

Counsel Sparks asks for clarification regarding the review process and whether ADWR is looking to see if there are any physical changes in capacity or if the stockponds still exist. Counsel Nielsen affirms that a full review of the claimed stockpond, including any possible physical changes, is included in the scope of ADWR’s investigations. Once a stockpond is certificated the pond is subject to a five-year review period.

11:02 a.m. Matter concludes.

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