

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

September 26, 2024

CLERK OF THE COURT

SPECIAL WATER MASTER
SHERRI ZENDRI

M. Pritchard
Deputy

In re: Ralph and John L. Cornwall
Contested Case No. W1-11-0051

FILED: 10/01/24

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

11:01 a.m. This is the time set for a Status Conference before Special Water Master, Sherri Zendri.

The following attorneys and parties appear telephonically:

- Property owner David Jackson for Sweetwater Horses, Inc.
 - Laurel Herrmann on behalf of the San Carlos Apache Tribe
 - Katrina Wilkinson observing on behalf of Salt River Project (SRP)
 - Brian Heiserman observing on behalf of Babacomari Ranch
 - Katya M. Lancero observing on behalf of the Navajo Nation
 - Merrill Godfrey on behalf of the Gila River Indian Community
 - Jay Lee observing on behalf of the Tonto Apache Tribe
 - Susan Montgomery on behalf of the Yavapai Apache Nation and observing for the Pascua Yaqui Tribe
 - Kimberly Parks on behalf of the Arizona Department of Water Resources (ADWR)
- A record of the proceedings is made digitally in lieu of a court reporter.

The Court has received a revised SOC. The Court inquires of Mr. Jackson if he has updated the stockpond registration?

Mr. Jackson affirms.

The Court inquires if he has the 36 number? The Court inquires of Ms. Parks if the stockpond registration has been amended to include the current owner.

Ms. Parks states that she does not have any amended stockpond registration, only the amended SOC.

Mr. Jackson states that ADWR did not recommend that he update the registration.

The Court states that there is a 36 number. The Court inquires of Ms. Parks whether the stockpond registration needs to be updated or not?

Ms. Parks states that there may not have been discussion of updating the basis of right documents as those are handled by a different division.

The Court states that the stockpond registration will need to be updated to reflect Mr. Jackson as Ralph and John L. Cornwall are still listed as the owners. Therefore, Mr. Jackson shall thereafter provide notice to the Court that this has been completed. The Court will then distribute the notice to all parties.

Mr. Jackson inquires how to submit the updated registration?

The Court states that the registration can be emailed to Water@JBAZMC.Maricopa.Gov

Mr. Jackson inquires whether there are any issues with the other paperwork he submitted?

The Court inquires of the other parties if there are any concerns with the submitted paperwork?

Ms. Hermann notes that the amended SOC lists this contested case as the basis of claim and states that runoff is the water source, and this does not appear to be a proper description. The 38 filing is not referenced in amended SOC. Additionally, there is no priority date listed.

The Court agrees with Ms. Herrmann's concerns and inquires if there are any further concerns from any other parties?

There are no further comments or concerns from any parties.

The Court will provide Mr. Jackson, by way of Minute Entry, with a list of additional info to provide to ADWR, including the update stockpond registration, and instructions for providing clearer descriptions as Ms. Herrmann suggested.

IT IS ORDERED that Mr. Jackson shall submit an updated stockpond registration to ADWR **no later than November 26, 2024**. Mr. Jackson shall thereafter provide notice to the Court that this has been completed.

11:12 a.m. Matter concludes.

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

LATER:

The Court recognizes that this process can be confusing and appreciates the efforts Mr. Jackson has made. It is unfortunate that he did not get all the information he needed when speaking to ADWR, however there is still some additional documents needed from Mr. Jackson. Previous documents related to this case may be found on ADWR's website at <https://infoshare.azwater.gov/docushare/dsweb/HomePage>. Mr. Jackson should review the following documents on this site:

36-42593 – statement of claim (different from a statement of claimant)

38-18383 – stockpond registration

The following additional information is needed:

Basis of Right (Claim)

A basis of right (or basis of claim as the SOC amendment application states) is documentation filed with ADWR demonstrating the claimant actually has a legal right to the water they are claiming on the SOC. The basis of right should be in the name of the individual currently seeking a water right.

If Mr. Jackson proves that the water right claimed was initiated prior to June 12, 1919, and presents a statement of claim filed prior to August 22, 1991, the basis of right requirement will be met.

Otherwise, Mr. Jackson must either file an “application for a permit to appropriate public water” or an “application for a stockpond claim of right.” Ariz. Rev. Stat. §§ 45-152(A), 45-272(C). If the claim is for a stock pond constructed before 1977, less than 15 acre-feet, and used solely for watering livestock or wildlife (but not primarily for fishing or culturing of fish), Mr. Jackson must present an “application for a stockpond claim of right.” Ariz. Rev. Stat. §§ 45-271, 45-272. If the claimed water right is for any other use, If the claimed water right is for any other use, the claimant must present an “application for a permit to appropriate public water.”

Once the appropriate basis of right is processed by ADWR, the SOC will need to be updated to include the basis of right as well as the rest of the additional information required.

Priority Date

A priority date claimed must be included on the Statement of Claimant. The priority date is the date when a potential water right was initiated and is used to determine who has priority to water when there is a shortage. The stockpond registration claims a priority date of 4/4/1920, when construction of the stockpond was completed. Mr. Jackson may claim any date; however, Mr. Jackson must eventually present evidence to support the date.

Water Source

“Runoff” alone is not an appropriate source description. Captured runoff is water that is not otherwise entering a surface water body. That body of water that is losing the captured runoff is the source. Early records indicate that body of water is Babocomari

River. Mr. Jackson must confirm this and include whatever is the appropriate body of water as part of the description of his source of the water.