

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

September 28, 2023

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: October 5, 2023

In re: David and Fay Gard
Contested Case No. W1-11-2726

MINUTE ENTRY

Courtroom 301 – Central Court Building

10:00 a.m. This is the time set for a Status Conference to discuss the status of agreements and obtain a schedule for discovery before Special Water Master Sherri Zendri.

The following parties/attorneys appear virtually through Court Connect:

- Claimants, Joel Quisenberry and Donna Quisenberry, are present on their own behalf
- Kimberly Parks on behalf of Arizona Department of Water Resources (“ADWR”)
- Bradley Pew on behalf of American Smelting and Refining Company (“ASARCO”)
- Katrina Wilkinson on behalf of Salt River Project (“SRP”)
- Joe Sparks and Laurel Herrmann on behalf of the San Carlos Apache Tribe
- Sue Montgomery on behalf of the Yavapai Apache Nation (and observing on behalf of Pascua Yaqui Tribe)

- Yosef Negose on behalf of the United States Department of Justice, Bureau of Indian Affairs
- Maggie Woodward on behalf of the United States Proprietary Agencies
- John Burnside on behalf of BHP Copper
- Thomas Murphy on behalf of the Gila River Indian Community
- Brett Stavin on behalf of Tonto Apache Tribe

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

Mrs. Quisenberry addresses the Court regarding the progress made since the last hearing. She reports that she was contacted by the University of Arizona's law clinic the day of the hearing and returned her application for assistance on May 8th. She reached out to the program several times but did not receive any response.

The Court notes that the water clinic has gone on hiatus since the last hearing and will speak to the personnel about informing parties that they are not able to process applications at this time.

Discussion is held regarding how the Quisenberrys would like to proceed. Mrs. Quisenberry reports that she has an amended Statement of Claimant ("SOC") apart from the claim filed by the Gards for the one well on their property. The other parties report that they do not recall receiving this SOC. The Court will send a copy of the revised SOC with today's Minute Entry.

Mr. Burnside suggests that the parties meet at ADWR's office and attempt to settle this matter with the Quisenberrys. The parties agree to hold another meeting.

IT IS ORDERED that due to the volume of documents that the Quisenberrys have, and the difficulty for the Quisenberrys to scan the documentation, the parties shall participate in a meeting at ADWR's office within the next 90 days. Any party that intends to object to the Quisenberrys' claim must show up at the meeting.

IT IS FURTHER ORDERED that within 10 days after the meeting, the Quisenberrys file a Letter with the Court, and send copies to the other parties on the mailing list, informing the Court regarding the outcome of the meeting; whether agreements were reached or if a trial date is needed.

10:40 a.m. Matter concludes.

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

LATER:

The Court understands the challenges with scheduling a large group of disparate parties for a meeting. Therefore, ADWR has been requested to assist the Quisenberrys

with this scheduling. The Court reminds all parties that ADWR is not a party to this case and will not provide legal advice. To the extent questions can be answered regarding the history of the adjudication and process steps ADWR can certainly provide assistance. Questions regarding what information should be provided and whether something is sufficient evidence to substantiate a claim are not within the scope of ADWR's assistance.

Under the law, self-represented litigants are held to the same legal standard as attorneys when presenting their cases and when working with opposing parties. It is the expectation of the Court that all parties will work together respectfully and in good faith to resolve this claim.

IT IS ORDERED that prior to the meeting with the parties, ADWR will prepare a draft abstract for the Quisenberry's potential water rights claim based upon information contained in SOC # 39-18140, filed October 18, 2020, by Joel Quisenberry. A copy of SOC # 39-18140 is attached to this minute entry. To the extent possible, ADWR and the objecting parties shall use this draft abstract to help the Quisenberrys understand what information is necessary for a final water right and what additional information may be needed to complete their potential claim. ADWR is not required to do any research for any information not currently available.

Although Court staff cannot provide legal advice, if the Quisenberrys, or any other party in this case, have procedural questions regarding the water adjudication they may call the office of the Special Water Master at (602) 506-0453.