

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: Edward H. and Bettie M. Gegax
Contested Case No. W1-11-3115

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

Courtroom: CCB 301

1:30 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-003.

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 Arizona Department of Water Resources (“ADWR”); Bradley Pew on behalf of ASARCO; Jay Tomkus on behalf of Yavapai-Apache Nation; and Lisa Rought, granddaughter of Claimants Edward H. and Bettie M. Gegax.

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

LET THE RECORD REFLECT that landowners, Edward H. and Bettie M. Gegax, are not present or represented by counsel at the beginning of the Status Conference.

Ms. Parks has not had any communication with the landowners.

The Court notes that the landowners have filed a Statement of Claimant and instructs Ms. Parks to contact the landowners to set up a meeting with ADWR and the objectors.

Mr. McGinnis states that the well is located within the subflow zone with no evidence in the watershed file report of pre-1919 rights. Discussion is held regarding the issue of wells with no pre-1919 rights.

Mr. Burnside states that in the appropriate case the issue of wells within the subflow zone without pre-1919 rights must be addressed.

1:38 p.m. LET THE RECORD REFLECT that Lisa Rought, is now present telephonically.

Ms. Rought reports that Edward Gegax is deceased and Bettie Gegax is incapacitated and she is appearing on behalf of Bettie Gegax

The Court addresses Ms. Rought regarding the claim that her grandparents, Edward H. and Bettie M. Gegax, filed for water rights.

Ms. Rought states her interest in pursuing the claim for water rights. She 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 Ms. Rought by **March 31, 2020**.

1:42 p.m. Matter concludes.

LATER:

IT IS ORDERED adding Lisa Rought to the court-approved mailing list and removing Edward Gegax.

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, with the attendant potential for conflict, 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. In this case Edward H. and Bettie M. Gegax have filed a Statement of Claimant and they are Claimants.

As part of the process of the General Adjudication, Arizona Department of Water Resources investigated the claims made in the Statement of Claimant filed by Edward H. and Bettie M. Gegax and prepared a report. A copy of that report was attached to the order dated November 25, 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 November 25, 2019.

The current phase of the proceeding requires the court to make a determination about the water rights claimed in the Statement of Claimant filed by Edward H. and Bettie M. Gegax, 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.