

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

November 13, 2020

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN HARRIS

T. DeRaddo

Deputy

In Re: Elizabeth Hilliard,
Contested Case No. W1-11-3385

FILED: 11/16/2020

In Re: The General Adjudication
of All Rights to Use Water in the
Gila River System and Source

In re: Status Conference

MINUTE ENTRY

Courtroom: CCB 301

1:30 p.m. This is the time set for a status conference.

The following attorneys and parties appear telephonically:

- John Frazone, land owner
- Mark McGinnis on behalf of Salt River Project
- Joe Sparks on behalf of the San Carlos Apache Tribe
- Brad Pew on behalf of ASARCO
- Lucas Christian on behalf of the Tonto Apache Tribe
- Laurel A. Herrmann on behalf of the San Carlos Apache Tribe
- John D. Burnside on behalf of BHP Copper
- Kimberly Parks on behalf of Arizona Department of Water Resources (ADWR)
- Richard Palmer on behalf of the Tonto Apache Tribe

A recording of the proceedings is made digitally by FTR, and no court reporter is present.

Discussion is held regarding the status of the case.

Mr. Franzone states that he believes that he has reached an agreement with all objectors, but has not been able to contact the US Justice Department. He states that he

believes that there are no objections to his claims to domestic water and stock pond use. Mr. Franzone has not filed abstracts yet. He states that he filed a revised Statement of Claimant with ADWR.

The Court informs Mr. Franzone that the number that ADWR assigned to his claims for both domestic use and stock pond use is: 39-18132.

Mr. Burnside states that he sent Mr. Franzone a sample of an abstract form that others have used in a prior case, and is willing to assist Mr. Franzone in preparation and finalization of the documents that need to be filed.

Mr. McGinnis addresses the court and reports that he believes that Mr. Franzone should provide the GPS coordinates of the well and the point of diversion.

Discussion is held regarding any concerns the parties may have with Mr. Franzone claiming stock pond use for which ADWR did not assign a PWR number. The Court notes that in the Statements of Claimants the owners of this property have consistently asked for stock pond water rights use. Mr. Sparks reports that he believes that there was an oversight in 1991 and that the ADWR observed the stock watering but failed to include stock watering in the proposed water rights in the WFR.

Further discussion is held regarding obtaining the GPS coordinates of the well at issue (that is closest to the creek). Mr Franzone identified the well as 325229110231801. The Court inquires of Ms. Parks if she is able to determine the GPS coordinates using aerial maps. Discussion is held regarding the best method to use in accurately marking the location of the well and pond, especially if the property is one day subdivided.

The Court inquires of the parties if there are any objections if Kimberly Parks with ADWR directly provides information to Mr. Burnside. There are no objections.

IT IS ORDERED that Mr. Franzone shall have 30 days (**December 14, 2020**) to properly identify the location / coordinates of the pond.

IT IS FURTHER ORDERED within 30 days (**December 14, 2020**) ADWR shall provide the GPS coordinates to Mr. Burnside.

IT IS FURTHER ORDERED Mr. Burnside shall file the abstracts with the Court within 60 days (**January 12, 2021**).

1:57 p.m. Matter concludes.

A copy of this order is mailed to all parties on the Court-approved mailing list for this case.