

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

08/07/2019

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

A. Hatfield

Deputy

In re: W.H. Claridge
Contested Case No. W1-11-3394

FILED: 08/12/2019

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") 115-05-ADC-001.

The following attorneys and parties appear in-person: Mark McGinnis on behalf of Salt River Project; Joe Sparks on behalf of San Carlos Apache Tribe; and property owner Gary Edwards.

The following attorneys and parties appear telephonically: John Burnside on behalf of BHP Copper; David Brown on behalf of Bar Seven Cattle Company, LLC; Kimberly Parks on behalf of Arizona Department of Water Resources ("ADWR"); Bradley Pew on behalf of ASARCO; Jay Tomkus on behalf of Pascua Yaqui Tribe and Yavapai-Apache Nation; Marla Hudgens on behalf of Arizona Chapter of Nature Conservancy; Gregory Larson as Trustee of the Larson Education Trust; property owner Mike Leusch; property owners Ray Jones and Jackie Jones; property owner Wendy Marcum; property owner Jeff Kerley; property owner James Etherton; and Rob Burris on behalf of property owners Charlie & Nancy Henson and Nancy J. Hunter.

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

Discussion is held with landowner Gary Edwards who states that he intends to assert claims for water rights even though he is currently not irrigating his property. He confirmed that he owns tax parcels 110-47-003F and 110-47-003H. He will be filing a Statement of Claimant.

The Court notes that the map prepared by ADWR did not identify any water use on Mr. Edwards' land. Mr. Edwards did not file a Statement of Claimant for water rights with a priority date before 1990, consequently the Court will take no action with respect to any claim that Mr. Edwards may file because this case concerns claims for water rights made before 1990 that were investigated by ADWR in its report no. 115-05-ADC-001.

Discussion is held with landowner Gregory Larson, Sr. The Court states that ADWR found at least two sites for irrigation use. Mr. Larson intends to make claims for irrigation use on his property.

Ms. Hudgens states that the AZ Chapter of the Nature Conservancy is not making any claims for water rights in this section at this time.

Mr. Larson advises the Court that landowner John Stoddard is deceased. John A. Stoddard's son now owns the property.

The Court inquires if there is anyone on the telephone who is representing landowner Margarito Lozoya. No party responded to the Court's inquiry.

Mr. McGinnis expresses his concern that ADWR did not identify any documentation to support a priority date of 1903.

The Court explains to Mr. Larson that the issue before the Court is whether there is evidence that the property has been continuously irrigated since 1903, which is the date of first use in the Statement of Claimant filed by the prior water user. The Court inquires if Mr. Larson would like to meet with ADWR and the Objectors to resolve objections.

Mr. Larson indicates that he is willing to meet with ADWR and the Objectors.

IT IS ORDERED directing ADWR to schedule a meeting with landowners and the Objectors by **October 31, 2019**.

1:45 p.m. Matter concludes.

LATER:

The Graham County Assessor identified the current landowners of land in section 6 T7S R 20E as: Gary Edwards, Sr. as trustee, John Stoddard Jr., Margarito Lozoya, and Gregory Larson. According to the public records of ADWR, none of the current landowners have filed a Statement of Claimant. Thus, at issue in this contested case are only the water rights included in the Statements of Claimant filed by W. H Claridge. The Statements of Claimant filed by W. H Claridge have not been assigned.

The purpose of this contested case is to decide the merits of the claims for water rights for irrigation asserted by W. H. Claridge in Statements of Claimant 39-3993, 39-

3995, and 39-3996. Specifically, the question that must be decided is whether a water right exists to irrigate the land that Mr. Claridge claimed to irrigate using multiple wells as the source of water. If a water right exists, the characteristics of that water right must also be determined.

In its report issued in 1991, ADWR found that there had been irrigation on the claimed property, but that the property had not been irrigated in the previous five years. It also determined that the source of water for past irrigation use was Well 1 located in the southwest quarter of the northeast quarter of the southwest quarter of section 6 T7S R 20E. Arizona Department of Water Resources mapped the irrigated land in the southwest quarter of section 6 T7S R20E and the well, which is labelled as “W1”, as shown below:



It has also determined that Wells 1, 2, 3, and 4 are in the subflow zone:

Report No.	Well No.	Owner Listed in Report	Current Land Owner	Tax Parcel No.	Use
115-05-ADC-001	W1	RIEBOLD, FRED & BERTHA	LARSON GREGORY J TRUSTEE	11047003G	IR090
115-05-ADC-001	W2	RIEBOLD, FRED & BERTHA	STODDARD JOHN JR	11047003B	
115-05-ADC-001	W3	RIEBOLD, FRED & BERTHA	LARSON GREGORY J TRUSTEE	11047003G	DM001
115-05-ADC-001	W4	RIEBOLD, FRED & BERTHA	LARSON GREGORY J TRUSTEE	11047003G	

Six landowners, included Mr. Claridge, filed objections to ADWR's report. (Copies of the objections can be found on the website for the General Adjudication under Contested Case No. W1-11-3394.¹) The purpose of the meeting with ADWR, to be scheduled by ADWR, is to give the parties an opportunity to discuss these objections. The landowner shall be prepared to provide information in support of a water right for the land. The Objectors shall be prepared to identify the information they require to resolve their objections.

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

¹ <http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneraStreamAdjudication/whatsNew.asp>