

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

September 12, 2019

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN WARD HARRIS

T. DeRaddo

Deputy

In Re: Whiting Ranches,
Contested Case No. W1-11-3397

FILED: 9/24/19

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

2:11 p.m. This is the time set for a status conference in this consolidated case to address watershed file reports 115-05-036 and 115-05-DA-003.

Counsel, Mark McGinnis appears in person on behalf of Salt River Project.

The following attorneys and parties appear telephonically:

- Anna Magoffin, landowner
- David Brown on behalf of the Cavenders, Claimants
- Brad Pew on behalf of ASARCO
- Carla A. Consoli on behalf of the AZ Chapter of the Nature Conservancy
- 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 ADWR
- Jay Tomkus on behalf of the Yavapai Apache Nation and observing on behalf of the Pascua Yaqui Tribe

A record of the proceedings is made by FTR for a portion of the hearing; no Court Reporter is present.

The Court thanks ADWR for putting together a comprehensive review of the draft abstracts for the Court. The Court also noted that ADWR was able to locate assignments of water rights documents.

Mr. Brown reports that the Cavenders are in Michigan through October and do not have access to their files until such time as they return. Mr. Brown requests that the Court allow additional time to file the appropriate Statements of Claimant (SOCs) and assignments. He requests until January 10, 2020 to do so. Mr. Brown requests that a telephonic Status Conference be set for January 15, 2020.

IT IS ORDERED that by **January 10, 2020** Mr. Brown shall provide a list of all Statements of Claimants that the Cavenders have filed or pursuant to which they claim water rights that have been the subject of investigation by ADWR and included in the San Pedro HSR so that the Court may initiate and consolidate those cases with this case.

Ms. Magoffin states it is her belief that most of the irrigated land included in the watershed file report is on the Cavenders' land. Ms. Magoffin has both the well and the deeds to claim number: 115-05-DA-003-SR003. She believes that her land (Magoffin land) is not irrigated. She adds that another claim in SE NE SW is her water right for stock ponds and stock watering. The irrigation claims are for the Cavenders. Ms. Magoffin states that the Cavenders have an abstract that is actually on her land (SR003 – proposed water right), which should be in the Magoffin trust. SR002 is the correct water right.

IT IS ORDERED that Ms. McGoffin shall compile a list of the SOC's pursuant to which she asserts a water right on or with respect to the land included in watershed file reports 115-05-036 and 115-05-DA-003. She shall file the list with the Clerk of the Court and all parties listed on Attachment F to the Order to Initiate Contested Cases filed August 7, 2019.

In January 2020 the court shall hold a status conference to sort out the claims and schedule any proceedings necessary.

Discussion is held regarding ownership of the Klondyke cemetery. Mr. Brown stated that he believed that the Cavenders own the property. The Court requests that if the parties have any documentation with respect to the ownership of the land to please file it with the Court.

A copy of the Order to initiate this case was sent by regular first class mail to the last known addresses for: Withrow Ranch, Inc., in care of Jack Smith, 28238 Bradley Rd, Sun City CA 92586; Whiting Ranches at 4602 E. Thomas Rd, Phoenix 85018 and at Klondyke Rural Station, Willcox AZ 85643; and to Robert Kramme, Rt.1 Bonita, Willcox 85643. The post office returned the mail as undeliverable with no forwarding addresses.

IT IS ORDERED removing the following from the Court-approved mailing list for this case:

Withrow Ranch
Whiting Ranches
Robert Kramme

2:20 p.m. Matter concludes.

LATER:

IT IS FURTHER ORDERED that by **January 10, 2020**, the landowners identified in the proposed abstracts reviewed by ADWR shall file:

1. Assignments of Statements of Claimant pursuant to which the respective landowners make a claim for a water right if the original claimant or authorized representative can be located;
2. Responses to Comments filed by ADWR to the proposed abstracts for which the landowner seeks a water right.
3. Any amendments to Statements of Claimant that the landowners believe appropriate to better describe and support the attributes of the claimed water rights.

IT IS FURTHER ORDERED setting a status conference for **January 15, 2020** at **11:30 a.m.** in the Superior Court of Arizona, 201 West Jefferson Street, Courtroom 301, Phoenix, AZ 85003-2202.

Instructions for telephonic appearance:

Dial: 602-506-9695 (local)
1-855-506-9695 (toll free long distance)

Dial Participant Pass Code 357264#

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