

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

07/17/2019

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

A. Hatfield

Deputy

In re: Anthony Lunt – Stockponds
Contested Case No. W1-11-3449

FILED: 07/23/2019

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

1:36 p.m. This is the time set for a status conference before Special Master Susan Ward Harris to discuss claims asserted by Anthony Lunt and the Galiuro Trust for water rights for stockponds and objections filed to Watershed File Report (“WFR”) 115-10-021.

The following attorneys appear in-person: Mark McGinnis on behalf of Salt River Project; and Kevin Crestin on behalf of Arizona State Land Department.

The following attorneys appear telephonically: Laurel Herrmann on behalf of San Carlos Apache Tribe and Tonto Apache Tribe; Kimberly Parks on behalf of Arizona Department of Water Resources (“ADWR”); and Jay Tomkus on behalf of Pascua Yaqui Tribe and Yavapai-Apache Nation.

Court reporter, Janell Rose, is present and a record of these proceedings is made digitally.

LET THE RECORD REFLECT that landowner Anthony Lunt is not present and he is not represented by counsel at the status conference.

IT IS ORDERED in accordance with Pretrial Order No. 4 that Mr. Lunt will file with the Arizona Department of Water Resources assignments of Statement of Claim 38-

82421 and Statements of Claimants 39-4167 and 39-4168 to the trustee of the Galiuro Trust by **August 16, 2019**.

ADWR has already issued a report with corrected legal descriptions. Once Mr. Lunt has filed the required assignments of Statement of Claim 38-82421 and Statements of Claimants 39-4167 and 39-4168, the Court will issue proposed abstracts that are consistent with ADWR's report, and the parties will be given an opportunity to file any suggested corrections.

1:37 p.m. Matter concludes.

LATER: Copies of ADWR's forms necessary to assign the statement of claim and the statements of claimant are attached to this minute entry.

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

STATEMENT OF CLAIMANT
"39"
ASSIGNMENT
Gila River Adjudication
SUPERIOR COURT OF MARICOPA COUNTY

By court order, a statement of claimant must be assigned whenever there is a change in ownership of land for which the claim for a water right was made, or there is a change in ownership of the water right that is either not appurtenant to land or that has been transferred from one parcel of land to another. This form is to be used to assign statements of claimant ("39s") filed in the general adjudication of the Gila River System and Source, which includes the Salt River, San Pedro River, Upper Gila River, Verde River, Agua Fria River, Lower Gila River and Upper Santa Cruz River watersheds. After the assignment is completed, the new owner will be substituted as a party in the Gila River adjudication.

GENERAL INSTRUCTIONS

Each side of this form must be completed, signed by each buyer and seller, and notarized. The name, address and phone number for each buyer and seller must also be provided. If necessary, additional copies of this form may be attached.

A copy of a legal document that establishes that a change of ownership has occurred must be submitted with this form. This requirement may be satisfied by providing either a copy of a duly recorded deed, a copy of the county assessor's tax parcel notice, or other similar document.

More than one statement of claimant may be assigned on a single form if the assignors (sellers) and assignees (buyers) are identical. Otherwise, a separate form must be submitted. For example, if the ownership of the land or the water right is subdivided and conveyed to different buyers, then a separate form must be completed for each of the different buyers.

After this form is completed, please submit it to the **Arizona Department of Water Resources, Attention: Adjudications, P.O. Box 36020, Phoenix, AZ 85067-6020**. The Department will record the assignment and forward this form to the Superior Court of Maricopa County. If you have any questions regarding this form, please contact the Arizona Department of Water Resources at (866) 246-1414.

ASSIGNMENT

The undersigned parties hereby notify the Superior Court of Maricopa County of the assignment of the following statements of claimant:

- 39-_____ filed in the _____ watershed.
- 39-_____ filed in the _____ watershed.
- 39-_____ filed in the _____ watershed.
- 39-_____ filed in the _____ watershed.
- 39-_____ filed in the _____ watershed.

REQUEST FOR ASSIGNMENT OF SURFACE WATER FILINGS

This Request for Assignment form must be used to assign an application, permit, certificate or statement of claim for surface water rights. A Request for Assignment form must be filed when there is a transfer of ownership or change in name from a prior owner to a new owner. In the case of permits and certificates, an assignment will result in re-issuance of the permit or certificate. If a surface water filing is being assigned to more than one new owner, a separate Request for Assignment form must be completed for each new owner. **Please refer to the enclosed instructions for completing this form and a description of the filing fee and documentation that must be provided. Failure to provide all of the information requested on this form is cause for the Request for Assignment to be returned.**

1. REQUIRED FILING FEE AND DOCUMENTATION. Failure to enclose the filing fee or any required documentation is cause for the Request for Assignment to be returned.

A. A FILING FEE of \$75.00 for each surface water filing being assigned. Payment may be made by cash, check, or credit card. If you wish to pay by credit card, please contact the Surface Water Permitting Unit at 602-771-8621. Checks should be made payable to the Arizona Department of Water Resources. Payments in cash can only be accepted in person at the Department's offices located at 1110 W. Washington St., Suite 310, Phoenix, AZ 85007.

B. A COPY OF RECORDED DEED showing land ownership in the name of the new owner of the land at the place of use listed in the surface water filing.

C. A COPY OF COUNTY ASSESSOR MAP that shows the place of use listed in the surface water filing.

D. A CHAIN OF TITLE OF OWNERSHIP if the prior owner *is not* the current holder of the surface water filing as shown in the Department's records, or if the prior owner is not available to sign the Request for Assignment form. The chain of title consisting of recorded warranty deeds must begin with the current holder of the surface water filing as shown in the Department's records and end with the new owner.

E. A COPY OF LEASE AND/OR PERMIT in the name of the new owner if the land at the place of use listed in the surface water filing is on land owned by a state or federal agency.

F. AN ALLOTMENT MAP if the land at the place of use listed in the surface water filing is located on land owned by a federal agency.

G. CHANGE OF NAME documents that show the name change from the current holder of the surface water filing to the new owner of the surface water filing.

H. ATTACHMENT A if the Request for Assignment is for two or more surface water filings or if the Request for Assignment is for a partial assignment.

2. REGISTRY NUMBER OF THE SURFACE WATER FILING BEING ASSIGNED: _____
 (Complete Attachment A if two or more filings are being assigned to the same entity)

3. TYPE OF ASSIGNMENT: (Check the appropriate box)

Total Assignment Partial Assignment (Complete Attachment A)

4. OWNERSHIP INFORMATION: (Current mailing addresses and telephone numbers must be included)

PRIOR OWNER(S)/ASSIGNOR(S)

NEW OWNER(S)/ASSIGNEE(S)

Name _____

Name _____

Address _____

Address _____

Phone No. () _____

Phone No. () _____

Signature _____

Signature _____

 (Print or type name of prior owner or representative)

 (Print or type name of new owner or representative)

 Date Signed

 Date Signed

INSTRUCTIONS FOR COMPLETING REQUEST FOR ASSIGNMENT OF SURFACE WATER FILINGS

The Arizona Department of Water Resources (Department) will only process requests for assignment of surface water filings (applications, permits, certificates, or statements of claim) submitted on the Request for Assignment form with all of the requested information. Instructions for completing the Request for Assignment form are provided below.

1. The filing fees and documentation described below *must be submitted* with the Request for Assignment form. **Failure to enclose the proper fees and documentation is cause for the Request for Assignment to be returned.** Please provide the following:
 - A. A filing fee of \$75.00 for each surface water filing being assigned. See Arizona Administrative Code R12-15-104. Payment may be made by cash, check, or credit card. If you wish to pay by credit card, please contact the Surface Water Permitting Unit at 602-771-8621. Checks should be made payable to the Arizona Department of Water Resources. Payments in cash can only be accepted in person at the Department's offices located at 1110 W. Washington Street, Suite 310, Phoenix, AZ 85007.
 - B. A copy of a recorded deed showing land ownership in the name of the new owner of the land at the place of use listed in the surface water filing. A recorded deed can be obtained from the county recorder's office where the place of use listed in the surface water filing is located.
 - C. A copy of a county assessor map that shows the place of use listed in the surface water filing. A county assessor map can be obtained from the county assessor's office where the place of use listed in the surface water filing is located.
 - D. A chain of title of ownership if the prior owner *is not* the current holder of the surface water filing as shown in the Department's records, or if the prior owner is not available to sign the Request for Assignment form. The chain of title must begin with the current holder of the surface water filing as shown in the Department's records and end with the new owner. A chain of title may be obtained from the county recorder's office where the place of use listed in the surface water filing is located or through a title agency.
 - E. A copy of lease and/or permit in the name of the new owner if the land at the place of use listed in the surface water filing is located on land owned by a state or federal agency. These copies may be obtained through the state or federal agency where the place of use listed in the surface water filing is located. For a surface water filing where the water is being put to beneficial use on public land, the Department's processing of a Request for Assignment form shall not be construed as a determination by the Department of whether it is the landowner, a lessee or a permittee that is entitled by law to hold a water right on the public land.
 - F. An allotment map if the land at the place of use listed in the surface water filing is located on land owned by a federal agency. The allotment map may be obtained from the federal agency where the place of use listed in the surface water filing is located.
 - G. Change of name documents that show the name change from the current holder of the surface water filing as shown in the Department's records to the new owner of the surface water filing
 - H. A copy of Attachment A if the Request for Assignment is for two or more surface water filings *or* if the Request for Assignment is for a partial assignment. The total quantities of water in the assignments to the new owners cannot exceed the quantity of water listed in the surface water filing being assigned.
2. Fill in the registry number of the surface water filing being assigned. If more than one surface water filing is being assigned, complete Attachment A to the Request for Assignment form. Write "See Attachment A" on the Request for Assignment form to indicate that more than one surface water filing is being assigned and submit it with the Request for Assignment form.
3. Indicate whether the Request for Assignment is for the entire surface water filing or for a portion of a surface water filing. Select Total Assignment if the current holder will retain no portion of the surface water filing following completion of the assignment. Select Partial Assignment if the current holder intends to retain some portion of the surface water filing or is assigning a portion to more than one new owner. For a partial assignment, complete Attachment A and submit it with the Request for Assignment form.
4. The Request for Assignment form must be signed by both the prior owner and the new owner. If the signature of the prior owner cannot be obtained, then the new owner will be required to provide a chain of title as described above. If a representative is signing on behalf of the prior owner or new owner, then documentation must be provided to establish that the representative is authorized to execute the Request for Assignment form.

ATTACHMENT A

REQUEST FOR ASSIGNMENT OF SURFACE WATER FILINGS

Attachment A must be completed if the Request for Assignment involves two or more surface water filings or if the Request for Assignment is for a partial assignment of a surface water filing. For a total assignment of a surface water filing, it is only necessary to provide the registry number of the surface water filing and to check the "Total Assignment" box. For a partial assignment of a surface water filing, check the "Partial Assignment" box and use the existing surface water filing to indicate the type of beneficial use, the quantity of use associated with that beneficial use, and the location of the place of use. Provide photocopies of this form as needed for additional surface water filings or multiple uses for a partial assignment.

Registry number of surface water filing _____

- Total Assignment
- Partial Assignment - Please provide the following information:

Use _____ Quantity _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ Section _____ Township _____ N/S, Range _____ E/W; Parcel I.D. No. _____

Use _____ Quantity _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ Section _____ Township _____ N/S, Range _____ E/W; Parcel I.D. No. _____

Use _____ Quantity _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ Section _____ Township _____ N/S, Range _____ E/W; Parcel I.D. No. _____

Registry number of surface water filing _____

- Total Assignment
- Partial Assignment - Please provide the following information:

Use _____ Quantity _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ Section _____ Township _____ N/S, Range _____ E/W; Parcel I.D. No. _____

Use _____ Quantity _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ Section _____ Township _____ N/S, Range _____ E/W; Parcel I.D. No. _____

Use _____ Quantity _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ Section _____ Township _____ N/S, Range _____ E/W; Parcel I.D. No. _____

Registry number of surface water filing _____

- Total Assignment
- Partial Assignment - Please provide the following information:

Use _____ Quantity _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ Section _____ Township _____ N/S, Range _____ E/W; Parcel I.D. No. _____

Use _____ Quantity _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ Section _____ Township _____ N/S, Range _____ E/W; Parcel I.D. No. _____

Use _____ Quantity _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ Section _____ Township _____ N/S, Range _____ E/W; Parcel I.D. No. _____