

SUPERIOR COURT OF ARIZONA  
MARICIPA COUNTY

August 6, 2024

CLERK OF THE COURT

SPECIAL WATER MASTER  
SHERRI ZENDRI

S. Ortega  
Deputy

**Case No. W1-106**

In Re: Verde River Watershed

FILED: 8/9/2024

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: Virtual Status Conference regarding  
*De Minimis Uses*

**MINUTE ENTRY**

Central Court Building – Courtroom 301

10:01 a.m. This is the time set for a virtual/telephonic Status Conference regarding  
*De Minimis* Stock and Wildlife Watering uses in the Verde River Watershed.

The following attorneys/parties appear virtually/telephonically as follows:

- Mark A. McGinnis, Michael Foy and Katrina Wilkinson for Salt River Project (SRP)
- Kevin Crestin for Arizona State Land Development (ASLD)
- Brett Stavin for Tonto Apache Tribe
- John Burnside for Town of Chino Valley
- Mark Widerschein for United States
- Sue Montgomery for the Yavapai Apache Nation and observing for the Pasqua Yaqui Tribe
- Kimberly Parks and Karen Nielsen for Arizona Department of Water Resources (ADWR)
- Brian Heiserman observing on behalf of the City of Cottonwood
- Kaitlyn Smith observing on behalf of ASARCO
- Steve Wene observing on behalf of the Town of Camp Verde

- Elias Ancharski observing on behalf of the Arizona Water Company
- Mike Rolland for the Cities of Avondale, Scottsdale, Glendale, Tempe and Mesa
- Charles Cahoy for the City of Phoenix
- Laurel A. Herrmann and Jan Sutton observing on behalf of the San Carlos Apache Tribe

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

**LET THE RECORD REFLECT** that the August 2, 2024 Stipulation Regarding Summary Adjudication of Claims to Water Rights for *De Minimis* Stock and Wildlife Uses Verde River Watershed has been approved.

Discussion is held regarding the Proposed Summary Adjudication Procedures.

Mr. McGinnis suggests the Court allow each party to submit briefing regarding other issues for the Court to think about which would be helpful for the Rule 53 report.

Mr. Widerschein agrees with SRP and would appreciate the opportunity to file a brief written response to the draft procedures that was circulated.

Ms. Montgomery joins with SRP in their request to the Court.

Mr. Crestin is not opposed to the briefing requested by SRP.

Questions, comments and suggestions regarding the proposed procedures are discussed.

Draft proposed abstracts are discussed. The Court would like to see all draft abstracts included in the Verde HSR to the extent it is possible. If there are no comments with respect to di minimis abstracts, the Court would like to be able to approve the de minimis abstracts as part of the HSR review process. It is noted however, the details of production of the Verde HSR have not yet been finalized and the Court is NOT ordering or committing ADWR to any particular format at this time.

Discussion is held regarding Section 3 of the proposed Summary Adjudication Procedures referencing the Subwatershed Final Report is discussed. The Court will clarify in a “later” to this minute entry how the Court was defining a Subwatershed Final Report in the proposed Summary Adjudication Procedures.

Discussion is held regarding time limits to submit briefing on the proposed Summary Adjudication Procedures.

For the reasons set forth on the record,

**IT IS ORDERED** that briefing on the proposed Summary Adjudication Procedures shall be due by **September 30, 2024**, containing no more than 15 pages each. No responses or replies shall be submitted.

10:27 a.m. Matter concludes.

A copy of this minute entry will be sent to all people on the court-approved mailing list for this matter.

**LATER:**

The Court is fully aware of the limitations and missing details in the draft document provided on July 3, 2024, (“Draft Procedures”) for the parties to review. The very simple strawman document was not intended to be comprehensive at this stage, but rather to present a uniform formant for discussion so that the Court was not wading through multiple formats when putting together a final recommendation.

To assist the parties with their briefings, the following clarifications are provided:

1. To the extent possible, all watershed file reports within the Verde River System Hydrographic Survey Report (HSR), would include a draft abstract completed by ADWR.
2. And draft abstract for a *de minimis* water use that could be resolved through summary adjudication proceedings will be listed in a separate “Index of *De Minimis* Water Uses” within the Verde River System H.SR
3. There was no additional language intended for section 1.8.2 of the Draft Procedures, the comma at the end of sentence is a typographical error.
4. In section 3 of the Draft Procedures, the following terms are defined:
  - a. Section 3.1 - “**Technical Report**” refers to ADWR Technical Report on *De Minimis* Domestic, Stockpond, and Stock and Wildlife Watering Uses in the Verde River Watershed, August 2022.
  - b. Sections 3.2 and 3.3 - “**Subwatershed**” refers to the Verde River and tributaries as delineated by ADWR in the ADWR Technical Report on *De Minimis* Domestic, Stockpond, and Stock and Wildlife Watering Uses in the Verde River Watershed, August 2022.
  - c. Sections 3.2 and 3.3 - “**Subwatershed Final Report**” refers to the final Catalog of Recommended Abstracts for the Verde River System and tributaries that the Special Master will submit to the General Stream Adjudication Water Judge for final adjudication.