

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

January 20, 2022

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN HARRIS

T. DeRaddo

Deputy

In Re: George G. and Louis B. Housley
Contested Case No. W1-11-1754

FILED: 1/27/2022

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)

Status Conference: HSR: 112-17-ACB-003
San Pedro River Watershed Hydrographic
Survey Report

MINUTE ENTRY

Central Court Building - 301

1:31 p.m. This is the time set for a telephonic/ virtual Status Conference before Special Water Master, Susan Harris, to review the status of this matter. All parties and counsel appear virtually via the Teams/Court Connect application.

Appearances are as follows:

Kimberly Parks for Arizona Department of Arizona Resources (ADWR)

Charles Cahoy for the City of Phoenix

John Burnside for BHP Copper

Michael Foy for Salt River Project (SRP)

Brad Pew for ASARCO

Laurel Herrmann for the San Carlos Apache Tribe

Richard Palmer for the Tonto Apache Tribe

Sue Montgomery for the Yavapai Apache Nation and observing for the Pasqua Yaqui Tribe

David Brown for St. David Irrigation District

William and Rebekah Clark (landowners)

David Pinegar (landowner)

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

Mr. Clark informs the Court that he has made a Statement of Claimant for his claim for water rights after 1990. The Claim is No. 39-17810, which was filed for groundwater to water trees and vegetation. The date of priority is after 1990.

Mr. Clark states that he owns one property that is “conjoined” and one property to the south of the above-mentioned properties, which comprises three properties. Mr. Clark reports that he has two wells, but one is not working. Mr. Clark stated that he has Watershed File Report and Zone Two Well Report No. 112-17-ACB-003. The Clarks state that the well to the south is not being used. Additionally, the Clarks have right to a well that they are not using which is a well share associated with the property.

The Court will confirm the date that the claim was filed to determine whether it was the subject of an existing investigation by ADWR. If ADWR has not done an investigation, it will perform an investigation of the claim in the future and issue a report. The report will be circulated to all of the water users in the watershed. The water users in the watershed will then have the opportunity to object to the report prepared by ADWR. The case would then begin after those steps have occurred in the future.

The Statement of Claimant is not listed in the report. If the Clarks have a priority date after 1990, the Court will not be dealing with that claim in this case. The Clark’s claim for water would go forward in the future and this Statement of Claimant will be the subject of San Pedro II.

Mr. Pinegar states that he is making a claim for water rights. He states that he has not filed a Statement of Claimant for water right, the type of which is undetermined. His Tax Parcel No. is 123-3009-C (vacant land). He has no water rights on the property currently.

The Court informs Mr. Pinegar that the Court has no authority to grant a right to water that is not currently in use but may be in use in the future.

When Mr. Pinegar desires to use water on the property, he is directed to contact the ADWR and go through the ADWR process which must be completed before the Court can adjudicate a right.

1:48 p.m. Matter concludes.

LATER:

On January 7, 2015, William Douglas Clark and Rebekah Ann Clark filed Statement of Claimant 39-17810. Mr. and Mrs. Clark claimed a right to water for domestic use from a well (Well Registration No. 55-222850) to water trees and plants surrounding two houses with a claimed priority date of December 16, 2013.

Statement of Claimant 39-17810 was filed by Mr. and Mrs. Clark after ADWR completed its investigations included in the San Pedro River Watershed HSR. As the claimed use is a new use initiated after the issuance of the San Pedro River Watershed HSR, no investigation has been conducted by ADWR. Accordingly, Statement of Claimant 39-17810 will be investigated by ADWR as part of San Pedro HSR II and once a new report has been issued and other claimants have had an opportunity to file objections to the report, the Adjudication Court will consider the claim for water rights asserted by Mr. and Mrs. Clark. Accordingly,

IT IS ORDERED dismissing contested case W1-11-1754 and no further action will be taken with respect to Watershed File Report and Zone Two Well Report No. 112-17-ACB-003.

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