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11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
12 **IN AND FOR THE COUNTY OF MARICOPA**

13 IN RE THE GENERAL ADJUDICATION  
14 OF ALL RIGHTS TO USE WATER IN  
15 THE GILA RIVER SYSTEM AND  
16 SOURCE

17 W-1 (Salt)  
18 W-2 (Verde)  
19 W-3 (Upper Gila)  
20 W-4 (San Pedro)  
21 (Consolidated)

22 Contested Case No. W1-11-3318

23 **ARIZONA DEPARTMENT OF**  
24 **WATER RESOURCES' MEETING**  
25 **REPORT**

26 (Special Master Susan Ward-Harris)

**CONTESTED CASE NAME:** *In re Bowers*

**HSR INVOLVED:** San Pedro River Watershed Hydrographic Survey Report

**DESCRIPTIVE SUMMARY:** The Arizona Department of Water Resources ("ADWR") hereby files the Meeting Report requested by the Court by orders filed February 22, 2018 and April 12, 2018.

**NUMBER OF PAGES:** Five and nine-page attachment

**DATE OF FILING:** May 8, 2018.

1 As directed in the Special Master’s Case Management Order filed February 22, 2018  
2 and the Supplemental Case Management Order filed April 12, 2018, ADWR hereby files  
3 its Meeting Report pursuant to Rules for Proceeding before the Special Master, Rule  
4 8.02[1][c], addressing the results of the meeting between ADWR, the claimant and  
5 objectors for this contested case. A copy of ADWR’s Meeting Report is being posted to  
6 ADWR’s web site.

7 **MEETING DETAILS**

8 The meeting took place at the ADWR office located at 1110 W. Washington Street,  
9 Phoenix, Arizona 85007 on May 1, 2018 at 10:00am. Present at the meeting were Jeff  
10 Trembly and David Keadle representing ADWR, Jay Tomkus on behalf of the Yavapai-  
11 Apache Nation (“YAN”), Jeff Heilman and Rodney Held representing the Salt River Project  
12 (“SRP”), and claimant Russell Richardson and friend Rod Matheson. Appearing  
13 telephonically were Janet Miller on behalf of ADWR, Joe Sparks on behalf of the San  
14 Carlos Apache Tribe (“SCAT”) and the Tonto Apache Tribe (“TAT”), and Thomas Murphy  
15 on behalf of the Gila River Indian Community (“GRIC”).

16 **MEETING OUTCOMES**

17 An agreement on the objections to Watershed File Report (“WFR”) 115-04-ADB-  
18 009 has not been reached. However, the parties made substantial progress in discussing  
19 what actions should be taken next.

20  
21 In order to resolve the objections filed on behalf of the SCAT and the TAT, Mr.  
22 Sparks requested that the claimant provide ADWR with documentation showing the  
23 complete chain of title from the original land owner to the current land owner. In addition,  
24 Mr. Sparks requested the following information: (1) GPS coordinates of the locations of the  
25 well and instream pump; and (2) a survey describing the subject parcel, irrigated lands, and  
26 the domestic use, with the stipulation that the irrigated lands could be described as “within

1 the west half of the subject parcel,” since the parcel was only approximately two acres in  
2 size. Mr. Richardson stated during the meeting that he believed he had a survey of the  
3 subject parcel, but after the meeting told ADWR staff, during ADWR’s site visit to collect  
4 GPS coordinates, that he did not have a survey.

5 Mr. Heilman (SRP) and Mr. Tomkus (YAN) both stated that their clients did not  
6 contest the chain-of-title. Mr. Heilman further stated that SRP would waive its objections  
7 and accept the quantity and priority date listed for Potential Water Right (PWR) OT001 in  
8 WFR 115-04-ADB-009 (*i.e.*, 7.0 acre-feet per annum on 1.3 acres with a priority date of  
9 1913) if the other objectors would also waive their objections. Mr. Tomkus stipulated to  
10 the information in the WFR as long as the stipulation was not binding or set precedent in  
11 other cases.

12 During the meeting, Mr. Richardson indicated that naming the contested case *In Re*  
13 *Bowers* was worrisome to Mrs. Bowers because she did not believe that she had any interest  
14 in the subject property any longer. It was suggested that Mr. Richardson request that Mrs.  
15 Bowers assign the subject Statement of Claimant (39-4326) to him and that the Special  
16 Master then be asked to rename the contested case.

17 **ATTACHMENTS**

18 On May 3, 2018, Mr. Sparks filed a statement with the court reiterating that the chain  
19 of title from the original appropriator of the water used on the land to the current landowner  
20 appeared to be incomplete. Attached to this filing was a copy of the original patent issued  
21 to Mr. William Row including the subject parcel. As a courtesy, Mr. Sparks agreed to  
22 search certain files and provide copies of any documents relevant to the chain of title to  
23 ADWR. A copy of “San Carlos Apache Tribe and Tonto Apache Tribe’s Statement of  
24 Position Regarding Chain of Title to Property in this Contested Case” is included in  
25 **Attachment A**, as directed by the Special Master.  
26

1 ADWR also prepared three more attachments to assist the parties in reaching a  
2 resolution of the objections that were filed. **Attachment B** is a map prepared by the office  
3 of the State Water Commissioner titled “Gila River Determination” displaying the results  
4 of a 1921 survey of irrigated lands on Aravaipa Creek, which includes the subject parcel.  
5 The map shows irrigated lands in the Southwest Quarter of Section 34, T6S, R17E and the  
6 Northwest Quarter of Section 3, T7S, R17E associated with the name “W.H. Row.”  
7 Records in this case indicate that W. H. Row was the original homesteader of the subject  
8 land.

9 **Attachment C** is a copy of the Pinal County Assessor map used to draw the  
10 boundaries of WFR 115-04-ADB-009 shown in Volume 9 of the 1991 San Pedro River  
11 Hydrographic Survey Report (HSR). Those boundaries include the subject parcel.

12 **Attachment D** shows the current parcel boundaries and ownership as provided by  
13 the Pinal County Assessor’s office in March 2017, together with the location of a well and  
14 instream pump that provide water for use on the subject parcel. Note that the parcel  
15 boundaries supplied by Pinal County do not appear to align well with the boundaries shown  
16 on the WFR map contained in Volume 9 of the 1991 San Pedro HSR.

17 **LOCATION OF WELLS**

18 ADWR conducted a site visit of the subject parcel and collected GPS coordinates for  
19 the well and instream pump depicted on **Attachment D**. As directed by the Special Master,  
20 ADWR determined that the well that supplies water for domestic use is located within the  
21 subflow zone for Aravaipa Creek.

22 **DATE FOR NEXT MEETING**

23 Within the next thirty (30) days, the objectors should provide ADWR with a  
24 statement indicating whether or not they believe sufficient data has been provided to resolve  
25

1 their objections. If the objectors believe additional data is needed, they should identify this  
2 data.

3 The next meeting in this matter will take place at the ADWR office on a date and  
4 time to be scheduled by ADWR upon receipt of the information referenced above.

5 **DATED** this 8th day of May, 2018.

6 ARIZONA DEPARTMENT OF WATER  
7 RESOURCES

8 

9 Kimberly R. Parks, Deputy Counsel  
10 Janet L. Miller, Deputy Counsel

11 **ORIGINAL** of the foregoing  
12 sent by first-class mail on  
13 May 8, 2018, to:

14 Clerk of the Maricopa Superior Court  
15 Attn: Water Case  
16 601 W. Jackson Street  
17 Phoenix, Arizona 85003

18 **COPIES** of the foregoing  
19 sent by first-class mail on  
20 May 8, 2018, to:

21 Special Master Susan Ward-Harris  
22 Maricopa County, Central Court Building  
23 201 West Jefferson Street, Suite 3A  
24 Phoenix, AZ 85003-2205

25 **COPIES** of the foregoing sent by  
26 first-class mail on May 8, 2018 to  
all parties on the court-approved mailing list  
for Contested Case No. W1-11-3318.