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9  
10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
11 **IN AND FOR THE COUNTY OF MARICOPA**  
12

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 Nos. W1-11-3385 and W1-  
23 11-3386

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

26 Special Master Susan Ward Harris

**CONTESTED CASE NAME:** *In re Elizabeth Hilliard; In re Ruben and Delta Bryce*

**HSR INVOLVED:** San Pedro River Watershed Hydrographic Survey Report (“HSR”)

**DESCRIPTIVE SUMMARY:** The Arizona Department of Water Resources (“ADWR”) provides the meeting report as requested by the Court in the Minute Entry Orders filed September 23, 2019.

**NUMBER OF PAGES:** Five

**DATE OF FILING:** October 8, 2019

1 Pursuant to the Minute Entry Orders in these matters filed September 23, 2019,  
2 ADWR hereby files its Meeting Report pursuant to Rule 8.02[1][c], addressing the results  
3 of the meeting between ADWR personnel and the claimants and objectors for the above  
4 contested cases. A copy of ADWR's Meeting Report is being posted to ADWR's web site  
5 at: <https://new.azwater.gov/adjudications>.

### 6 **MEETING DETAILS**

7  
8 The meeting took place at the ADWR offices located at 1110 W. Washington  
9 Street, Phoenix, Arizona 85007 on October 2, 2019 at 9:00 am, beginning with a meeting  
10 between ADWR and the claimants at 9:00 am and the objectors arriving at 10:00 am.  
11 ADWR sent written confirmation of the meeting details to all claimants, landowners, and  
12 objectors on the court-approved mailing lists for these contested cases in September 2019.  
13 Prior to the meeting, ADWR also filed maps of the parcels to assist the landowners in  
14 identifying the wells for which they intend to assert claims for water rights.

15 Present at the meeting were James Meza, Becky Eden, Ana Marquez, Cera Lange,  
16 and Kimberly Parks representing ADWR, Mark McGinnis, Rodney Held, and Tim  
17 Skarupa representing the Salt River Project ("SRP"), and the claimants, Jan Rogers, Kim  
18 Rogers, Larri Tearman, Mark Allen, and John Franzone.

19 Attending telephonically were Joe Sparks representing the San Carlos Apache  
20 Tribe, John Burnside representing BHP Copper, Carla Consoli representing The Nature  
21 Conservancy, Brad Pew representing ASARCO, Jay Tomkus representing the Yavapai-  
22 Apache Nation, Julian Nava representing the Tonto Apache Tribe, and claimant Sherry  
23 Zinger and her son Kurtis Zinger.

1 **MEETING OUTCOMES**

2 ADWR staff met initially with the claimants to assist them in locating wells on  
3 maps of the subject parcels and to explain any assignments of Statements of Claimant  
4 (39s) that might need to be filed. 39-12545 has been assigned from Elizabeth Hilliard to  
5 John Franzone. The trustees of the Greta Bergan Trust (Jan Rogers and Sherry Zinger)  
6 and Logene Allen Trust (Mark Allen) are providing documentation to ADWR in order to  
7 assign 39-2579 from Delta Bryce to the appropriate successors in interest.

8 There was confusion during the meeting regarding ADWR's findings in Watershed  
9 File Reports (WFRs) 115-05-AC-006 and 115-05-AC-007. After further review of the  
10 applicable documentation and filings, it appears that at some point in time, the  
11 Hilliard/Franzone property and the Bryce property shared a well (identified as W1 in the  
12 Hydrographic Survey Report and located on the Hilliard property) that was used for both  
13 domestic and irrigation purposes. Mr. Allen informed the attendees that he and his  
14 grandfather dug a second well on the Bryce property (but in close proximity to well W1  
15 on the Hilliard property) in the 1970s because they did not want to share the well between  
16 the two parcels. Delta Bryce filed 39-2579 in 1979 showing irrigation from that well, and  
17 mentioning domestic, and stockwatering use. Both wells were washed out in a 1983 flood.  
18 Hilliard drilled a new well for domestic use, for which she filed 39-12545 claiming .1  
19 AFA for domestic use and .5 AFA for stockwatering. ADWR identified a potential water  
20 right for domestic use in WFR 115-05-AC-006, listing stockwatering as an incidental use.  
21 ADWR reported in the WFR that there had been no irrigation occurring on the Hilliard  
22 property within the past five years, but also indicated that there had been irrigation on the  
23 land within the previous ten years.

24 ADWR identified a potential water right for irrigation use on the Bryce portion of  
25 the property in WFR 115-05-AC-007 (1.8 irrigated acres at 9.7 AFA). However, the  
26

1 claimants confirmed that they never drilled a new well on the property and have not been  
2 using water on the property for some time.

3 It does not appear that 36-37258 or 39-5516 apply to either Bryce or Hilliard's use  
4 of water.

5 All of the claimants indicated they would like additional time to research past uses  
6 of water on the land and to consider the quantities of water for which they intend to  
7 pursue a claim. The objecting parties indicated that they would be willing to consider  
8 settlement of the objections once they receive additional information about the claims.

9  
10 **NEXT STEPS**

11 The parties have requested ADWR to schedule another meeting in 120 days at  
12 which time the claimants hope to have additional documentation to support the claims and  
13 the parties hope to be able to reach an agreement.

14 ADWR hereby provides notice that the next meeting is scheduled as follows:

15 Date: Tuesday, February 11, 2020

16 Location: ADWR Offices, 1110 W. Washington Street, Phoenix AZ  
17 Thunder River Conference Room

18 Time: 1:00 pm

19 If any party is unable to attend in person, please call ADWR after January 1, 2020  
20 at (602) 771-8472 to receive teleconference information.

21 **DATED** this 8<sup>th</sup> day of October, 2019.

22 ARIZONA DEPARTMENT OF WATER  
23 RESOURCES

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25 \_\_\_\_\_  
26 Kimberly R. Parks, Deputy Counsel

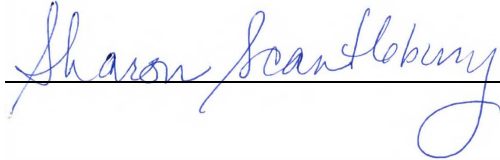
1 **ORIGINAL** of the foregoing sent by  
2 first-class mail on October 8, 2019, to:

3 Clerk of the Maricopa Superior Court  
4 Attn: Water Case  
5 601 W. Jackson Street  
6 Phoenix, Arizona 85003

7 **COPIES** of the foregoing sent by  
8 first-class mail on October 8, 2019, to:

9 Special Master Susan Ward-Harris  
10 Maricopa County Superior Court  
11 Central Court Building  
12 201 West Jefferson Street, Suite 3A  
13 Phoenix, AZ 85003-2205

14 **COPIES** of the foregoing sent by  
15 first-class mail on October 8, 2019 to all  
16 parties on the court-approved mailing list  
17 for Contested Case Nos. W1-11-3385 and 3386.

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