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

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

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

20 Contested Case No. W1-11-3124

21 **ARIZONA DEPARTMENT OF**
22 **WATER RESOURCES' MEETING**
23 **REPORT**

24 Special Master Susan Ward Harris

25 **CONTESTED CASE NAME:** *In re Jose R. and Rita Morales*

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

DESCRIPTIVE SUMMARY: The Arizona Department of Water Resources (“ADWR”) provides its report on the meeting between the claimants and objectors that took place on April 16, 2020.

NUMBER OF PAGES: Four

DATE OF FILING: April 23, 2020

Pursuant to the Minute Entry Order in this matter filed January 17, 2020, ADWR held a meeting between the claimants and objectors in this case on April 16, 2020.

1 Pursuant to Rule 8.02[1][c], ADWR hereby files its Meeting Report. A copy of ADWR's
2 Meeting Report is being posted to ADWR's web site at:

3 <https://new.azwater.gov/adjudications>.

4 **MEETING DETAILS**

5
6 The meeting was scheduled to take place at the ADWR offices located at 1110 W.
7 Washington Street, Phoenix, Arizona 85007 on April 16, 2020 at 1:00 pm; however,
8 ADWR requested that parties call in to the meeting due to COVID-19 concerns.

9 Attending telephonically were Glen Buettner, Michael Hilstrom, and Kimberly
10 Parks representing ADWR, Martina Burnham, Rosalie Morales, Robert Morales, Felix
11 Morales, Jose Morales, Amanda and Pablo Calderon, John Burnside on behalf of BHP
12 Copper, Laurel Herrmann on behalf of the San Carlos Apache Tribe, Brad Pew on behalf
13 of ASARCO, and Mark McGinnis, Rodney Held, and Axel Buchwalter on behalf of the
14 Salt River Project.

15 Jay Tomkus representing the Yavapai-Apache Nation was unable to attend the
16 meeting but let ADWR know that his clients plan to withdraw their objections in this case.
17 Representatives for the United States, the Gila River Indian Community, and the Tonto
18 Apache Tribe did not participate in the meeting.

19 **MEETING OUTCOMES**

20
21 The Morales property has been subdivided into six individual parcels. It appears
22 that only five of the parcels were included in this contested case and that parcel no. 300-
23 26-011B, owned by Jose (Joe) Morales, should also be included in this case.

24 Although there are no existing water uses on most of the parcels, the claimants
25 intend to pursue water rights for domestic use and landscaping on two of the parcels
26

1 (parcel 19A (Calderon) and 11B (Jose Morales)). The water for these uses is supplied by
2 a well located on parcel 19A. There is a second well on parcel 11B that is either not
3 operational or not being used. There is also an unoccupied mobile home on parcel 11E.
4 Some of the claimants indicated that they intend to transfer the existing Statements of
5 Claimant (SOCs) into their names.

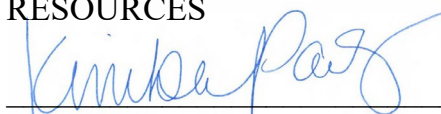
6 The parties discussed whether the claimants would be able to provide the following
7 information in support of the claims: 1) historical information (if available) to support a
8 priority date earlier than 1919 or other evidence of a perfected water right, and 2) the
9 diversion rates for the well. All of the objecting parties represented at the meeting
10 indicated that they would be willing to work to resolve the objections in this case once
11 they have more information on the claims.

12
13 **NEXT STEPS**

14 As of the date of the filing of this report, no parties have offered any historical
15 evidence to show that there may be a pre-1919 water use on the property. At this time, the
16 parties have requested that this case be stayed until the Court determines whether a water
17 user who began using surface water after 1919 but didn't file an application for an
18 appropriative right with ADWR or a predecessor agency has an appropriative water right.
19 These issues may be resolved in the pending cases of *In re Town of Huachuca* (W1-11-
20 0245) and *In re Whiting Ranches* (W1-11-3397, consolidated with W1-11-0245) which
21 are currently scheduled for discovery and trial.

22 **DATED** this 23rd day of April, 2020.

23 ARIZONA DEPARTMENT OF WATER
24 RESOURCES

25 

26 Kimberly R. Parks, Deputy Counsel

1 **ORIGINAL** of the foregoing sent by
2 first-class mail on April 23, 2020, 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 April 23, 2020, 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 April 23, 2020 to all
16 parties on the court-approved mailing list
17 for Contested Case No. W1-11-3124.

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