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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 No. W1-11-3203

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

25 Special Master Susan Ward Harris

26 **CONTESTED CASE NAME:** *In re Ramon and Sandra Ochoa*

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 February 20, 2020.

NUMBER OF PAGES: Four

DATE OF FILING: February 26, 2020

Pursuant to the Minute Entry Order in this matter filed December 24, 2019, ADWR held a meeting between the claimants and objectors in this case on February 20, 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 5 **MEETING DETAILS**

6 The meeting took place at the ADWR offices located at 1110 W. Washington
7 Street, Phoenix, Arizona 85007 on February 20, 2020 at 9:00 am.

8 Present at the meeting were Glen Buettner, Cera Lange and Kimberly Parks
9 representing ADWR, and Mark McGinnis, Axel Buchwalter, and Tim Skarupa
10 representing the Salt River Project ("SRP").

11 Attending telephonically were Ramon Ochoa, John Burnside representing BHP
12 Copper, and Joe Sparks representing the San Carlos Apache Tribe.

13 Jay Tomkus representing the Yavapai-Apache Nation and Brad Pew representing
14 ASARCO were unable to attend the meeting but let ADWR know that their clients are
15 willing to review any stipulations or abstracts in an effort to resolve the objections.
16 Representatives for the United States, the Gila River Indian Community, and the Tonto
17 Apache Tribe did not participate in the meeting.
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19 **MEETING OUTCOMES**

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21 Mr. Ochoa indicated that he intends to pursue water rights for irrigation and
22 domestic uses supplied by two wells on his property. The parties have requested that Mr.
23 Ochoa provide the following information in support of his claims: 1) the legal description
24 for his property, 2) historical information (if available) to support a priority date earlier
25 than 1919, 3) the diversion rates for his wells, and 4) the quantity of water he is claiming
26 for irrigation of his pasture. Additionally, Counsel for the San Carlos Apache Tribe and

1 Counsel for SRP offered to search their historical documents for any information that may
2 be helpful to Mr. Ochoa. Counsel for SRP later informed counsel for ADWR that SRP's
3 search of historical documents did not produce anything that would be helpful to Mr.
4 Ochoa. All of the objecting parties represented at the meeting indicated that they would be
5 willing to work to resolve the objections in this case once they have more information on
6 the claims.

7 **NEXT STEPS**

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

16 **DATED** this 26th day of February, 2020.

17 ARIZONA DEPARTMENT OF WATER
18 RESOURCES

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Kimberly R. Parks, Deputy Counsel

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22 **ORIGINAL** of the foregoing sent by
23 first-class mail on February 26, 2020, to:

24 Clerk of the Maricopa Superior Court
25 Attn: Water Case
26 601 W. Jackson Street
Phoenix, Arizona 85003

1 **COPIES** of the foregoing sent by
2 first-class mail on February 26, 2020, to:

3 Special Master Susan Ward-Harris
4 Maricopa County Superior Court
5 Central Court Building
6 201 West Jefferson Street, Suite 3A
7 Phoenix, AZ 85003-2205

8 **COPIES** of the foregoing sent by
9 first-class mail on February 26, 2020 to all
10 parties on the court-approved mailing list
11 for Contested Case No. W1-11-3203.

12 *Sharon Scantlebury*
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