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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. W1-11-3115

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

25 Special Master Susan Ward Harris

26 **CONTESTED CASE NAME:** *In re Edward H. and Bettie M. Gegax*

**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 March 19, 2020.

**NUMBER OF PAGES:** Four

**DATE OF FILING:** March 20, 2020

Pursuant to the Minute Entry Order in this matter filed January 14, 2020, ADWR held a meeting between the claimants and objectors in this case on March 19, 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 March 19, 2020 at 9:00 am. While some limited staff  
8 from ADWR were present at the meeting, ADWR requested that parties call in to the  
9 meeting due to COVID-19 concerns.

10 Present at the meeting were Glen Buettner and Cera Lange representing ADWR.  
11 Attending telephonically were Becky Eden and Kimberly Parks representing ADWR,  
12 John Burnside on behalf of BHP Copper, Joe Sparks on behalf of the San Carlos Apache  
13 Tribe, Brad Pew on behalf of ASARCO, Mark McGinnis, Rodney Held, and Axel  
14 Buchwalter on behalf of the Salt River Project, and Leysa Rought, granddaughter of  
15 Claimants Edward H. and Bettie M. Gegax.

16 Jay Tomkus representing the Yavapai-Apache Nation was unable to attend the  
17 meeting but let ADWR know that his clients are willing to review any stipulations or  
18 abstracts in an effort to resolve the objections. Representatives for the United States, the  
19 Gila River Indian Community, and the Tonto Apache Tribe did not participate in the  
20 meeting.

### 21 22 **MEETING OUTCOMES**

23 Ms. Rought indicated that she lives on the property and intends to pursue water  
24 rights for domestic use and irrigation of some trees. The water for the property is supplied  
25 by a well. The parties discussed whether Ms. Rought would be able to provide the  
26


1 following information in support of the claims: 1) historical information (if available) to  
2 support a priority date earlier than 1919 or other evidence of a perfected water right, and  
3 2) the diversion rates for the wells. All of the objecting parties represented at the meeting  
4 indicated that they would be willing to work to resolve the objections in this case once  
5 they have more information on the claims.

6 **NEXT STEPS**

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

15  
16 **DATED** this 20<sup>th</sup> day of March, 2020.

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18 ARIZONA DEPARTMENT OF WATER  
RESOURCES

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Kimberly R. Parks, Deputy Counsel

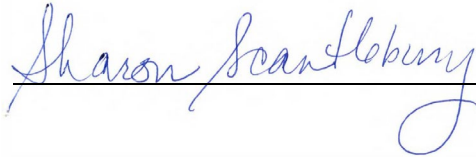
21  
22 **ORIGINAL** of the foregoing sent by  
23 first-class mail on March 20, 2020, to:

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 March 20, 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 March 20, 2020 to all  
10 parties on the court-approved mailing list  
11 for Contested Case No. W1-11-3115.

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