

1 Kimberly R. Parks (Bar No. 032828)  
2 Arizona Department of Water Resources  
3 Legal Division  
4 P.O. Box 36020  
5 Phoenix, Arizona 85067  
6 Telephone: 602-771-8472  
7 Fax: 602-771-8687  
8 [krparks@azwater.gov](mailto:krparks@azwater.gov)

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. W1-11-3125

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

23 Special Master Susan Ward Harris

24 **CONTESTED CASE NAME:** *In re Stanley C. and Molly Yoder*

25 **HSR INVOLVED:** San Pedro River Watershed Hydrographic Survey Report ("HSR")

26 **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 21, 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 The meeting was scheduled to take place at the ADWR offices located at 1110 W.  
6 Washington Street, Phoenix, Arizona 85007 on April 16, 2020 at 10:30 am; however,  
7 ADWR requested that parties call in to the meeting due to COVID-19 concerns.

8 Attending telephonically were Glen Buettner, Michael Hilstrom, and Kimberly  
9 Parks representing ADWR, Molly Yoder and Danielle Brownrigg, John Burnside on  
10 behalf of BHP Copper, Laurel Herrmann on behalf of the San Carlos Apache Tribe, Brad  
11 Pew on behalf of ASARCO, and Mark McGinnis on behalf of the Salt River Project.

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

#### 17 **MEETING OUTCOMES**

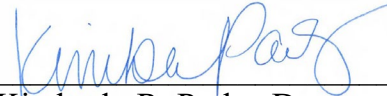
18 Ms. Yoder intends to pursue water rights for domestic use and irrigation of some  
19 pecan trees. The water for the property is supplied by a well. The parties discussed  
20 whether Ms. Yoder would be able to provide the following information in support of the  
21 claims: 1) historical information (if available) to support a priority date earlier than 1919  
22 or other evidence of a perfected water right, 2) the diversion rates for the well, and 3) the  
23 quantity of water being claimed. All of the objecting parties represented at the meeting  
24 indicated that they would be willing to work to resolve the objections in this case once  
25 they have more information on the claims.  
26

1 **NEXT STEPS**

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

10 **DATED** this 21<sup>st</sup> day of April, 2020.

11 ARIZONA DEPARTMENT OF WATER  
12 RESOURCES

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Kimberly R. Parks, Deputy Counsel

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16 **ORIGINAL** of the foregoing sent by  
17 first-class mail on April 21, 2020, to:

18 Clerk of the Maricopa Superior Court  
19 Attn: Water Case  
20 601 W. Jackson Street  
Phoenix, Arizona 85003

21 **COPIES** of the foregoing sent by  
22 first-class mail on April 21, 2020, to:

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

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**COPIES** of the foregoing sent by  
first-class mail on April 21, 2020 to all  
parties on the court-approved mailing list  
for Contested Case No. W1-11-3125.

*Sharon Scantlobury*  
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