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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. W1-11-3126

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

23 Special Master Susan Ward Harris

24 **CONTESTED CASE NAME:** *In re Rudy and Mary Louise Ruiz*

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 2:30 pm; 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, Pedro Gallego, John Burnside on behalf of BHP Copper,  
10 Laurel Herrmann on behalf of the San Carlos Apache Tribe, Brad Pew on behalf of  
11 ASARCO, and Mark McGinnis and Rodney Held 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 **MEETING OUTCOMES**

17 Prior to the meeting, ADWR staff provided Mr. Gallego with the relevant forms for  
18 obtaining an assignment of the Statement of Claimant (SOC). Mr. Gallego intends to file  
19 the assignment form but hasn't completed them yet.

20 Mr. Gallego intends to pursue water rights for domestic use and irrigation. In the  
21 Hydrographic Survey Report, ADWR found two wells on the property; one was being  
22 used for domestic purposes and the other was being used for irrigation. Mr. Gallego  
23 confirmed that he is no longer irrigating out the of the second well because the well is not  
24 operational.  
25

26

1 The parties discussed whether Ms. Gallego would be able to provide the following  
2 information in support of the claims: 1) historical information (if available) to support a  
3 priority date earlier than 1919 or other evidence of a perfected water right, and 2) the  
4 diversion rate for the well. All of the objecting parties represented at the meeting  
5 indicated that they would be willing to work to resolve the objections in this case once  
6 they have more information on 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 the property. At this time, the  
10 parties have requested that this case be stayed until the Court determines whether a water  
11 user who began using surface water after 1919 but didn't file an application for an  
12 appropriative right with ADWR or a predecessor agency has an appropriative water right.  
13 These issues may be resolved in the pending cases of *In re Town of Huachuca* (W1-11-  
14 0245) and *In re Whiting Ranches* (W1-11-3397, consolidated with W1-11-0245) which  
15 are currently scheduled for discovery and trial.

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

17 ARIZONA DEPARTMENT OF WATER  
18 RESOURCES

19   
20 \_\_\_\_\_  
21 Kimberly R. Parks, Deputy Counsel

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

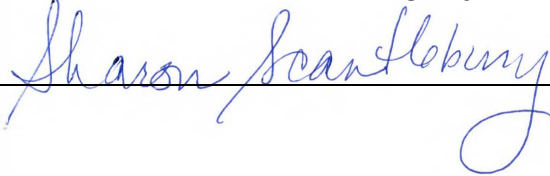
24 Clerk of the Maricopa Superior Court  
25 Attn: Water Case  
26 601 W. Jackson Street  
Phoenix, Arizona 85003

1 **COPIES** of the foregoing sent by  
2 first-class mail on April 21, 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 April 21, 2020 to all  
10 parties on the court-approved mailing list  
11 for Contested Case No. W1-11-3126.

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A handwritten signature in blue ink, reading "Sharon Scanlon", is written over a horizontal line. The signature is cursive and extends slightly below the line.