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10 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
11 **IN AND FOR THE COUNTY OF MARICOPA**
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IN RE THE GENERAL ADJUDICATION OF ALL RIGHTS TO USE WATER IN THE GILA RIVER SYSTEM AND SOURCE
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W-1 (Salt)
W-2 (Verde)
W-3 (Upper Gila)
W-4 (San Pedro)
(Consolidated)

Contested Case No. W1-11-3394

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

Special Master Susan Ward Harris

CONTESTED CASE NAME: *In re W. H. Claridge*

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 May 12, 2020.

NUMBER OF PAGES: Five

DATE OF FILING: May 19, 2020

Pursuant to the Minute Entry Order in this matter filed August 12, 2019, ADWR held a meeting between the claimants and objectors in this case on September 18, 2019.

1 On September 25, 2019, ADWR filed a meeting report addressing the results of the
2 meeting and scheduled a follow-up meeting on January 8, 2020. At the request of the
3 parties during the January meeting, ADWR scheduled a third meeting for May 12, 2020.
4 Pursuant to Rule 8.02[1][c], ADWR hereby files its Meeting Report for the May 12, 2020
5 meeting. A copy of ADWR's Meeting Report is being posted to ADWR's web site at:
6 <https://new.azwater.gov/adjudications>.

7 8 **MEETING DETAILS**

9 The meeting was scheduled to take place at the ADWR offices located at 1110 W.
10 Washington Street, Phoenix, Arizona 85007 on May 12, 2020 at 9:00 am; however, due to
11 COVID-19 concerns, ADWR requested that all parties participate telephonically.

12 Participating in the meeting were Glen Buettner, Mike Hilstrom, Leandra Marshall
13 and Kimberly Parks representing ADWR, Mike Foy and Rodney Held representing the
14 Salt River Project ("SRP"), Laurel Herrmann representing the San Carlos Apache Tribe,
15 John Burnside representing BHP Copper, Brad Pew representing ASARCO, and Greg
16 Larson, representing the Larson Educational Trust. Mia Hammersley representing the
17 Yavapai-Apache Nation was unable to attend the meeting but contacted counsel for
18 ADWR to explain the Nation's position.

19 The Nature Conservancy, the United States, the Gila River Indian Community, the
20 Claridge family, and the Lazoya family were not represented at the meeting.
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22 23 **MEETING OUTCOMES**

24 Mr. Larson recently filed assignments and amendments of Statements of Claimant
25 (SOCs) 39-3993, 39-3995, and 39-3996. The SOC's have been processed by ADWR as of
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1 the date of this filing. Mr. Larson is claiming 32 acre-feet per year (AFA) for irrigation, 3
2 AFA for domestic uses (1 AFA each from each well on the property to be used in the
3 same general area on the property), and 3 AFA for stockwatering. Mr. Larson is also in
4 the process of filing four claims for surface water rights, which include the water uses
5 mentioned above and also a claim for mining in the amount of 480 AFA. No one is
6 currently living on the property.

7 Mr. Larson prepared four draft abstracts which were circulated to the parties on
8 May 11, 2020. One of the abstracts is for irrigation, and three of the abstracts are for
9 domestic uses (one abstract for each well). Mr. Larson did not submit abstracts for the
10 stockwatering use or the mining use; however, after discussion with the parties, he
11 indicated that he intended to prepare an abstract for stockwatering use.

12 Mr. Larson says that the property is unique because it was previously the site of
13 extensive mining operations and is now a cluster of superfund sites being monitored by
14 the Arizona Department of Environmental Quality (ADEQ) and the Environmental
15 Protection Agency (EPA). Both ADEQ and the EPA use water on the property to control
16 the dust and contain the contaminants from lead tailings. Mr. Larson asserts that the
17 engineering controls must be maintained over time and that ensuring that ADEQ and the
18 EPA can continue their operations is one of his primary concerns. Mr. Larson stated that
19 the statutory categories of beneficial water uses¹ did not appear to provide an appropriate
20 category for water used for remediation work of this nature, so he included the quantity of
21 water needed for the remediation work in his claim for 32 AFA for irrigation. Mr. Larson
22 is uncertain as to the quantity of water required for the remediation work, but he intends to
23 contact ADEQ about this issue. The objecting parties suggested that Mr. Larson may be
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26 ¹ See Arizona Revised Statutes § 45-151.

1 able to make a claim for water for mining use since this is mining remediation. Mr. Larson
2 is going to consider this option.

3 Mr. Larson requested homestead documents from the Bureau of Land Management
4 but had not received them as of the date of the meeting. Mr. Larson is claiming a priority
5 date of 1897 based on the Affidavit of Labor and Index of Homestead Entry for this land
6 and the subsequent patent which is dated August 26, 1897.

7 The objecting parties had questions about the quantities of water Mr. Larson is
8 claiming. All of the objecting parties represented at the meeting and counsel for the
9 Yavapai-Apache Nation indicated that they would be willing to work to resolve the
10 objections in this case; however, the parties had not had the opportunity to fully evaluate
11 the draft abstracts prior to the meeting and requested additional time to do so.

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13 **NEXT STEPS**

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15 Mr. Larson indicated that he is going to seek a 60-day continuance of the May 19,
16 2020 scheduling conference, during which time he intends to amend the abstracts based
17 on his conversations with the parties, create a stockwatering abstract, and consider
18 whether he wants to request an amended WFR. He also hopes he will receive the patent
19 information during this time.

20 **DATED** this 19th day of May, 2020.

21 ARIZONA DEPARTMENT OF WATER
22 RESOURCES

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25 Kimberly R. Parks, Deputy Counsel
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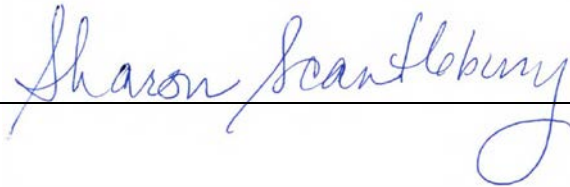
1 **ORIGINAL** of the foregoing sent by
2 first-class mail on May 19, 2020, to:

3 Clerk of the Maricopa Superior Court
4 Attn: Water Case
5 601 W. Jackson Street
6 Phoenix, Arizona 85003

7 **COPY** of the foregoing sent by
8 first-class mail on May 19, 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 May 19, 2020 to all
16 parties on the court-approved mailing list
17 for Contested Case No. W1-11-3394.

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