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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. W1-11-2619

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

25 Special Master Susan Ward Harris

26 **CONTESTED CASE NAME:** *In re George and Nancy Muller*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report (“HSR”)

DESCRIPTIVE SUMMARY: The Arizona Department of Water Resources (“ADWR”) provides the meeting report as requested by the Court in the Minute Entry Order filed October 5, 2020.

NUMBER OF PAGES: Five

DATE OF FILING: November 10, 2020

Pursuant to the Minute Entry Order in this matter filed October 5, 2020, ADWR hereby files its Meeting Report pursuant to Rule 8.02[1][c], addressing the results of the

1 meeting between ADWR personnel and the claimants and objectors for the above
2 contested case. A copy of ADWR's Meeting Report is being posted to ADWR's web site
3 at: <https://new.azwater.gov/adjudications>.

4 5 **MEETING DETAILS**

6 The telephonic meeting took place on November 6, 2020 at 11:00 a.m.
7 Participating in the meeting were Glen Buettner, Mike Hilstrom, and Kimberly Parks
8 representing ADWR, Michael Foy and James Meza, representing the Salt River Project
9 ("SRP"), Brad Pew representing ASARCO, John Burnside representing BHP Copper,
10 Laurel Herrmann and Joe Sparks representing the San Carlos Apache Tribe, Richard
11 Palmer representing the Tonto Apache Tribe, and the claimant Nancy Muller with family
12 members Michael Muller and Sharon Horning.

13 The United States, the Gila River Indian Community, David Spohr, Patsy Muller,
14 and Valory Strausser did not participate in the meeting. Jay Tomkus representing the
15 Pascua Yaqui Tribe was unable to attend the meeting but reported that his client would be
16 willing to review any stipulation proposed by the claimant and parties.
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18 19 **MEETING OUTCOMES**

20 The Muller family owns land included in two separate Watershed File Reports
21 (WFRs) from the 1991 San Pedro Hydrographic Survey Report (HSR).

22 This contested case was initiated to address claims and uses of water found within
23 the boundaries of WFR 113-09-CC035. At the time of the HSR, this parcel (Parcel 205-
24 19-001P in 1991) was owned by George and Nancy Muller. According to the claimant,
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1 there are two wells on this property: 55-642680, which has been capped and is not in use;
2 and 55-602054 which provides water for domestic use.

3 Adjacent to the property is the parcel described in WFR 113-09-CC034. At the
4 time of the HSR, this parcel (Parcel 205-19-001N in 1991) was owned by Robert and
5 Patsy Muller. There is a well on this property (55-613516) which is not in use.

6 Both George and Robert Muller are deceased, and both properties are now owned
7 by Nancy Muller. Pima County has combined the two parcels, and the combined parcel
8 number is 205-19-001U.

9 Mrs. Muller intends to pursue a claim for domestic use for a single residence on the
10 property. No water is being used for irrigation on the property.

11 On October 22, 2020, the Court issued a Notice stating that Nancy Muller timely
12 filed an assignment of Statement of Claimant 39-2507 but that the documents were being
13 returned to Mrs. Muller as they were filed with the Clerk of Maricopa County Superior
14 Court rather than with ADWR. The Mullers indicated that they have mailed the
15 documents to ADWR. ADWR received the documents in the mail after the meeting and
16 expects to have the documents processed and available on ADWR's website at the time of
17 the filing of this report.

18 The parties discussed whether the claimant would be able to provide the following
19 information in support of the claim: 1) historical information (if available) to support a
20 priority date earlier than 1919 or other evidence of a perfected water right, 2) the diversion
21 rate for the well, and 3) the quantity of water being claimed for the domestic use. After
22 the meeting, ADWR provided the claimant with a copy of the original Statement of
23 Claimant (39-2507), a blank abstract of water right form, and a copy of the Notice of
24 Appropriation that was obtained during ADWR's investigation for these WFRs.
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1 All of the objecting parties represented at the meeting indicated that they would be
2 willing to work to resolve the objections in this case once they have more information on
3 the claims.

4 **NEXT STEPS**

5 The claimant needs additional time to research historical water uses on the property
6 and to determine the quantity of water she intends to claim for domestic use. The claimant
7 agreed to prepare a draft water right abstract for consideration by the objecting parties. If
8 the parties are able to reach an agreement on Mrs. Muller's proposed abstract of water
9 right, Mrs. Muller will file the stipulated abstract with the Court and all parties on the
10 Court-Approved Mailing List no later than February 4, 2020. However, if the parties are
11 unable to reach an agreement on the abstract and do not file a stipulated abstract with the
12 Court by February 4, 2020, the parties request that the Court schedule a status conference.

13 **DATED** this 10th day of November, 2020.

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15 ARIZONA DEPARTMENT OF WATER
RESOURCES

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Kimberly R. Parks, Deputy Counsel

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20 **ORIGINAL** of the foregoing sent by
first-class mail on November 10, 2020, to:

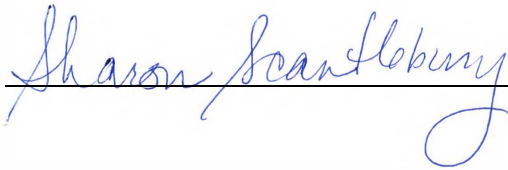
21 Clerk of the Maricopa Superior Court
22 Attn: Water Case
23 601 W. Jackson Street
Phoenix, Arizona 85003

24
25 **COPIES** of the foregoing sent by
first-class mail on November 10, 2020, to:

26

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

5 **COPIES** of the foregoing sent by
6 first-class mail on November 10, 2020 to all
7 parties on the court-approved mailing list
for Contested Case No. W1-11-2619.

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