

1 Kimberly R. Parks (Bar No. 032828)
2 Karen J. Nielsen (Bar No. 034648)
3 Arizona Department of Water Resources
4 Legal Division
5 1110 W. Washington St., Suite 310
6 Phoenix, Arizona 85007
7 Telephone: 602-771-8472
8 Fax: 602-771-8687
9 krparks@azwater.gov
10 knielsen@azwater.gov

11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
12 **IN AND FOR THE COUNTY OF MARICOPA**

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. W1-11-1506

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

25 Special Master Sherri Zendri

26 **CONTESTED CASE NAME:** *In re James K. and Wanda L. Bell*

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 10, 2024.

NUMBER OF PAGES: Five

DATE OF FILING: November 20, 2024

1 Pursuant to the Minute Entry Order filed October 10, 2024, ADWR hereby files its
2 Status Report, addressing the results of the meeting between ADWR personnel and the
3 claimants for the above contested case. A copy of this Status Report is being posted to
4 ADWR's website at: <https://azwater.gov/adjudications>.

5 6 **MEETING DETAILS**

7 The meeting took place via video conference on October 29, 2024¹ at 10:00 a.m.
8 Participating in the meeting were Paul Alder (Water Resource Manager – Surface Water),
9 Shawn Mitchell (Adjudications Support Team Supervisor), and Stella Murillo (Water
10 Resource Manager – Groundwater Permitting and Wells) representing ADWR; and Nancy
11 Luyten; Doris Weaver of the Weaver Family Trust (Parcel 208-30-003); and Laura
12 Baeuerlen on behalf of Arnulfo and Suzan Baeuerlen (Parcel 208-30-002U). While he
13 attended the hearing in this contested case on October 8, 2024, Mr. Caleb Barajas did not
14 attend the meeting.

15 16 **MEETING SUMMARY**

17 Adjudications Support Team Supervisor Mr. Mitchell walked the claimants present
18 through the adjudication process and assisted them on where to find the information in
19 order to fill out the Statement of Claimant form (“SOC”). Mr. Mitchell sent the relevant
20 necessary documents to the present claimants as specified below:

- 21 - Domestic SOC to pattenhouserestaurant@gmail.com
- 22 - Domestic SOC and Amendment to SOC forms to nicndore@powerc.net
- 23 - Domestic SOC to lbaeuerlen@azdes.gov

24
25
26

¹ This Status Report is regrettably being filed late due to a calendaring error.

1 Water Resource Manager Mr. Alder discussed the process of filing an Application
2 for Permit to Appropriate Public Water of the State of Arizona or to Construct a Reservoir
3 (“Application”) during the meeting and emailed each claimant or their representative
4 present an Application. He also stated to speak to the judge on next steps with regards to
5 the subflow zone and filing an Application with ADWR. Ms. Baeuerlen followed up with
6 Mr. Alder via email asking whether there was a deadline on when to file an Application.
7 Mr. Alder directed Ms. Baeuerlen to the Court. None of the claimants or their
8 representatives present had filed any Applications with ADWR’s Surface Water Section at
9 the time of the meeting.

10 Prior to the meeting, Water Resource Manager Ms. Murillo found four active well
11 registries associated with three of the parcels that make up WFR 112-14-DDB-005 and
12 provided those to the claimants in attendance along with instructions on how to update a
13 well registry where necessary.

- 14 1. Parcel 208-30-002G is associated with Well Registry No. 55-221292 and is
15 owned by David Laudensiager, though Nancy Luyten is now the owner of the
16 Parcel as indicated in the Order to Initiate this contested case. If this well is still
17 in use, Ms. Murillo indicated it would be appropriate for Ms. Luyten to file a
18 Notice of Change of Owner, which can be done online at
19 https://app.azwater.gov/eForms/Forms/CWO/DWR_55_71B.aspx or using
20 ADWR Form 55-71A, available at
21 [https://www.azwater.gov/sites/default/files/permitting_forms/55-](https://www.azwater.gov/sites/default/files/permitting_forms/55-71A_Request_Change_Well_Info_REV202305.pdf)
22 [71A_Request_Change_Well_Info_REV202305.pdf](https://www.azwater.gov/sites/default/files/permitting_forms/55-71A_Request_Change_Well_Info_REV202305.pdf) . As of the date of this
23 filing, no changes have been noted in the ADWR Well Registry.
- 24 2. Parcel 208-30-003 is associated with Well Registry No. 55-599718 and is
25 owned by Nelson M. & Doris K. Weaver.
26

- 1 3. Parcel 208-30-002Z is associated with Well Registry Nos. 55-237435 and 55-
2 232417 and is owned by Caleb & Kimberly Barajas, though Mr. Barajas noted
3 during the October 8th Case Initiation Conference that one of the wells on his
4 property had been retired for three years.
- 5 4. Prior to the meeting, Parcel 208-30-002U did not have any active well
6 registrations associated with it. However, on October 28, 2024, ADWR
7 received a Late Registration of Well, which was approved on October 29, 2024.
8 Parcel 208-30-002U is currently associated with Well Registry No. 55-810518
9 and is owned by Arnulfo Baeuerlen.

10
11 **NEXT STEPS**

12 The claimants need additional time to determine whether they want to take the
13 necessary steps to legally appropriate water. ADWR recommends that the Court set a
14 status conference in 60 days to allow the claimants to provide an update on their progress
15 and to determine next steps.

16 **DATED** this 20th day of November, 2024.

17 ARIZONA DEPARTMENT OF WATER
18 RESOURCES

19 
20 _____
21 Kimberly R. Parks, Deputy Counsel
22 Karen J. Nielsen, Deputy Counsel
23
24
25
26

1 **ORIGINAL** of the foregoing sent by
2 first-class mail on November 20, 2024, to:

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

7 **COPIES** of the foregoing sent by
8 electronic mail on November 20, 2024, to:

9 Special Master Sherri Zendri
10 water@jbazmc.maricopa.gov

11 **COPIES** of the foregoing sent by
12 first-class mail on November 20, 2024, to all
13 parties on the court-approved mailing list
14 for Contested Case No. W1-11-1508.

15 
16 _____
17
18
19
20
21
22
23
24
25
26