

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

January 9, 2025

CLERK OF THE COURT

SPECIAL WATER MASTER
SHERRI ZENDRI

S. Ortega
Deputy

In re: ASLD – Fred and Carol Telles
Contested Case No. W1-11-1511

FILED: January 29, 2025

In Re: The General Adjudication
of All Rights to Use Water in the
Gila River System and Source
W-1, W-2, W-3 and W-4 (Consolidated)

In re: Initial Conference

MINUTE ENTRY

Courtroom: CCB 301

10:00 a.m. This is the time set for an initial conference.

The following attorneys and parties appear virtually and/or telephonically:

- Eric Wilkins and Kevin P. Crestin for landowner Arizona State Land Department (ASLD)
- Michael Carter for the Gila River Indian Community
- Laurel A. Herrmann for the San Carlos Apache Tribe
- Susan Montgomery for the Yavapai Apache Nation and observing for the Pascua Yaqui Tribe
- Katrina Wilkinson for Salt River Project (SRP)
- Karen Nielsen for the Arizona Department of Water Resources (ADWR)
- Jay Lee observing for the Tonto Apache Tribe
- Candace D. French observing for the Navajo Nation

A record of the proceedings is made digitally in lieu of a court reporter.

Eric Wilkins updates the Court regarding the draft maps and abstracts prepared by Arizona State Land Department. As to the basis of right, Mr. Wilkins clarifies to the Court the assignment under consideration by current lessee. ASLD did file an assignment with ADWR yesterday. The Court notes that SP005 and SP006 will be temporarily set aside until the matter

is resolved.

SRP has comments on all of the abstracts, which have been shared with ASLD.

Mr. Wilkins confirms discussions with SRP and understands the minor issues that need to be fixed with a redraft of the abstracts.

Ms. Wilkinson and Mr. Wilkins discuss the issue with the place of use in the abstracts. ASLD's position is that not every abstract's place of use is exactly where it was described in the WFR. ASLD updated the place of use to where they are on the map in the abstracts. It is SRP's position that ASLD follow the Thorson order as to the summary adjudication of places of use and points of diversion.

Discussion is held regarding certificated water rights ("CWR"). ASLD understands that there have been court approved water rights that have moved forward without CWRs. ASLD doesn't believe it is necessarily a requirement to move forward. SRP's position is that an application/permit is not a valid basis of right and that ADWR should issue a certificate for the stock pond registration before it can be a valid basis of right.

The Court will research the place of use and CWR issues further.

SRP comments on the SP004 basis of right. SRP did a query in the surface water filings database for the stock pond registration act filings, and it was listed as inactive/withdrawn. SRP's position is that it cannot be a valid basis of right if it is inactive or withdrawn. ADWR will look further into the matter and notify SRP and ASLD with the results. ADWR will also file something in the record on this matter.

Ms. Herrmann comments on stock watering locations. There is a discrepancy with where the stock water use begins and ends on the maps. She would like to be able to see the entire portion of the stream for stock watering instead of one point. Some of the stock ponds do not show the quantity. SP005 and SP006 show a different quantity than the abstract. SP003 certificate does not match the date, quantity or location.

Mr. Wilkins is positive that a redraft will address all of the above issues.

The Court notes some of the same concerns as discussed above.

The Court will consider the issues discussed above including the application/permit versus a certificated water right and clarification on the place of use.

Based on the discussions held,

IT IS ORDERED that ADWR shall provide additional information to the Court regarding stockpond registration act filing #38-88613 by **January 30, 2025**.

IT IS FURTHER ORDERED that ASLD will provide a redraft of the abstracts out to the parties by **March 10, 2025**.

IT IS FURTHER ORDERED setting another Status Conference on **March 25, 2025, at 10:00 a.m.** The status conference will be held using the Court Connect program. Instructions for Court Connect are attached as Attachment A. If you receive this Order by email, click on the red box “Join Court Connect Hearing” on the attached instructions to make an appearance. If you do not receive this Order by email, log into the Court Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend telephonically using the telephone number and access code included in the instructions for Court Connect.

10:20 a.m. Hearing concludes.

LATER:

Place of Use

ASLD presented multiple draft abstracts where the current claimed place of use differs from the place of use described in the WFR or the relevant basis of right. To comply fully with summary adjudication procedures and to ensure that the evidentiary foundation for every summarily adjudicated abstract follows a predictable form, the places of use described in the WFR and basis of right must be consistent with the claimed place of use.

If the place of use described in the basis of right differs from the claimed place of use, ASLD must amend the basis of right before the Court approves an abstract for the use. If the place of use described in the WFR differs from the claimed place of use, ADWR must issue a revised WFR before the Court approves the abstract.

THEREFORE, IT IS ORDERED that ASLD must begin any necessary basis of right amendments by **March 1, 2025**.

Certificated Water Rights

Water rights initiated after June 12, 1919, may be perfected only through an administrative permitting and certification process. Ariz. Rev. Stat. Ann. §§ 45-162, 45-171 (2024). Therefore, an application, registration, or permit is not sufficient to establish a perfected post-1919 right.

THEREFORE, IT IS ORDERED that ASLD must seek certification of uncertificated post-1919 stockponds by **March 1, 2025**.

A timeline for ADWR processing of the certifications and production of a revised WFR will be discussed at the March 25, 2025, status conference.

Attachment A



Court Connect Hearing Notice for In re ASLD – Fred and Carol Telles

This hearing will be conducted through the new Court Connect program offered by the Superior Court of Arizona in Maricopa County. This new and innovative program allows Court participants to appear online, rather than in a physical courtroom. Hearings are preferably conducted by videoconference but can also be conducted by phone. Lawyers (and self-representing litigants) are responsible for distributing this notice to anyone who will be appearing on their behalf.

All participants must use the JOIN COURT CONNECT HEARING button or the dial in information below to participate.

Participants: Please follow the steps below to participate in the remote proceeding.

1. Click the JOIN COURT CONNECT HEARING button below.
2. Enter your full name and role in name field.
3. Wait for the facilitator to admit you to the proceeding.

Remember to keep this email handy so you can use it to participate in the following proceeding.

Case Name: In re ASLD – Fred and Carol Telles

Contested Case No. W1-11-1511

Start Date/Time: March 25, 2025 at 10:00 a.m.

JOIN COURT CONNECT HEARING

Dial-in Information: +1 917-781-4590

Private Dial-in Information: for privacy purposes, you can block your phone number by dialing *67 +1 917-781-4590

Dial-in Access Code: 688 970 203#

Tiny URL: <https://tinyurl.com/specialwatermaster>

To ensure an optimal experience, please review the brief Court Connect training prior to the hearing: [Here](#)