

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

01/10/2022

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN WARD HARRIS

A Parmar
Deputy

FILED: January 21, 2022

In re: St. David Irrigation District
Contested Case No. W1-11-1675

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: Status Conference

MINUTE ENTRY

Central Court Building – Courtroom 301

3:02 p.m. This is the time set for a Status Conference before Special Water Master Susan Ward Harris.

The following attorneys appear virtually through Court Connect:

- Bradley Pew on behalf of American Smelting and Refining Company (“ASARCO”)
- Thomas Murphy on behalf of Gila River Indian Community
- John Burnside on behalf of BHP Copper and St. David Irrigation District
- David Brown on behalf of St. David Irrigation District
- Mark McGinnis and Michael Foy on behalf of Salt River Project (“SRP”)
- Joe Sparks, Laurel Herrmann and Steve Titla on behalf of San Carlos Apache Tribe
- Kimberly Parks on behalf of Arizona Department of Water Resources (“ADWR”)
- J Weiner on behalf of the Tonto Apache Tribe
- Sue Montgomery on behalf of Yavapai Apache Nation (and observing on behalf of Pascua Yaqui Tribe)
- Charles Cahoy on behalf of the City of Phoenix
- William H. Anger on behalf of City of Mesa
- Sean Hood on behalf of Freeport Minerals

3:05 p.m. Discussion is held regarding the case consolidation. The Court took the list of wells and tax parcels provided by St. David Irrigation District and connected them with the associated watershed file reports and case numbers. The Court found five contested cases that were associated with a listed tax parcel but have not been consolidated with *In re St. David Irrigation District*. The Court is unsure if these cases involve land newly incorporated into the District or if the cases were missed. The Court will list the cases in today's Minute Entry and Mr. Brown is instructed to show that the lands included in the tax parcels have been incorporated into the St. David Irrigation District by filing copies of the District's resolutions that concern that land. The Court will then consolidate the appropriate cases and prepare a spreadsheet that lists for each contested case, the associated watershed file report and the well registration number. The spreadsheet, in excel format, will be posted to the Court's webpage.

Mr. Brown proposes filing a proposed case management order and allowing 30 days for the parties to respond. He then proposes that they start with the largest and most sophisticated cases and work to resolve about five cases at a time.

Mr. Sparks does not believe a 30-day response period will be sufficient depending on the complexity of the proposed case management order.

Mr. McGinnis agrees with Mr. Brown's proposal but would like to see it in writing. He said that the proposal makes sense and presents the case litigation in an organized fashion.

Mr. Murphy agrees in part with Mr. McGinnis that he would like to see the procedure in writing. He is concerned how the process functions if we are in a certain segment of this phase and have some contested cases in litigation but not all, how to move to subsequent groups of parcels or landowners. In other words, the concern is how to keep the process moving even with some parcels in litigation.

Ms. Montgomery overall agrees with the approach but would like to see the deadlines to be sure that adequate time is allowed for the process to accommodate her clients' review procedures.

Mr. Weiner, Mr. Cahoy and Mr. Anger all agree with the proposal but would like to see it in writing before making a final determination.

Mr. Brown requests 60 days to file a proposed case management order.

IT IS ORDERED that Mr. Brown file a proposed case management order by **March 14, 2022**, the parties will file responses by **May 16, 2022**. The Court will set a Status Conference in June 2022 to discuss the proposed order.

3:25 p.m. Matter concludes.

LATER:

The following table includes information provided by the St. David Irrigation District in the first five columns. The associated Watershed File Report numbers and contested case numbers were added in the last two columns. The five cases in the last column of this table have not been consolidated with *In re St. David Irrigation District* and the court records do not include documentation that the associated parcels have been incorporated into the District.

AREA	TAX PARCEL NUMBER	REGISTRATION NUMBER	GPS	WELL OWNER/ REGISTRANT	WFR	Case
St. David	12106018	55-617943	31.902002, - 110.220905	Guisti, Rose	112-17-044	W1-11-1642
St. David	12108007	55-613373	31.898815, - 110.214645	Martin, Jason and Cynthia		
St. David	12108008	55-613374	31.898218, - 110.214752	Martin, Jason and Cynthia		
St. David	12108009	55-613375	31.898159, - 110.213765	Martin, Jason and Cynthia		
St. David	12115021	55-619450	31.905154, - 110.238163	Cochise County Investments LLC		
St. David	12135002	55-612819	31.836273, - 110.211099	St. David Irrigation District	112-17-DCA-018	W1-11-2192
Pomerene	12418013	UNKNOWN	31.943723, - 110.267905	Kartchner, Jacob	112-17-BDA-004	W1-11-1983
St. David	12136006K	55-609171	31.832530, - 110.203167	Enclave St David LLC	112-17-DCA-009	W1-11-2186
Pomerene	12307004B	UNKNOWN	31.985402, - 110.280484	Least Agriculture, L.L.C.	112-17-037	W1-11-1635

Included as Attachment A is a table with the remainder of the information provided by the St. David Irrigation District along with the associated Watershed File Reports and case numbers. The cases on Attachment A have been consolidated with *In re St. David Irrigation District*.

IT IS ORDERED setting a Status conference set for **June 9, 2022 at 2:30 p.m.** before Special Water Master Harris

The Status Conference shall be held using the Court Connect program. Instructions for Court Connect are attached as Attachment B. 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. You may also attend telephonically using the following numbers:

Dial: 602-506-9695 (local)
1-855-506-9695 (toll free long distance)
Dial Collaboration (conference) Code 357264#

A copy of this order is mailed to all persons listed on the Court-approved mailing list.

ATTACHMENT A

AREA	TAX PARCEL NUMBER	REGISTRATION NUMBER	GPS	WELL OWNER/ REGISTRANT	WFR(s)	Case(s)
St. David	12010004	55-627687	31.915555, - 110.230833	Mayberry, Esker Jimmy	112-17-ACC-010	W1-11-1761
St. David	12010023	55-215892	31.912924, - 110.232334	Daley, Nelson	112-17-ACC-013	W1-11-1763
St. David	12013002	55-613370	31.911432, - 110.231166	Goodman, Mark and Ora	112-17-ACC-031	W1-11-1767
St. David	12018034	55-631765	31.910924, - 110.227351	Preston, Donald R.	112-17-ACD-112	W1-11-1802
St. David	12018034	55-631766	31.910924, - 110.227351	Preston, Donald R.	112-17-ACD-112	W1-11-1802
St. David	12108006	55-613371	31.898801, - 110.215083	Martin, Jason and Cynthia	112-17-DBA-070	W1-11-2084
St. David	12115024	55-619450	31.902884, - 110.238125	Cochise County Investments LLC	112-17-DBB-023	W1-11-2128
St. David	12117001	55-628251	31.890419, - 110.214901	McKeighen, Larry M., et. al.	112-17-DBA-177	W1-11-2101
St. David	12117015	55-224696	31.879560, - 110.213696	Holy Trinity Monastery	112-17-DBA-185	W1-11-2105
St. David	12123008	55-515633	31.875369, - 110.215706	Holy Trinity Monastery	112-17-DBD-001	W1-11-2148
St. David	12123008	55-631776	31.875369, - 110.215706	Holy Trinity Monastery	112-17-DBD-001	W1-11-2148
St. David	12133003	55-610356	31.8454798, - 110.2039208	Enclave St David LLC	112-17-DCA-003	W1-11-2180
St. David	12135007	55-612818	31.835754, - 110.211796	St. David Irrigation District	112-17-088	W1-11-1675
St. David	12142003	55-609171	31.832226, - 110.205342	Enclave St David LLC	112-17-DCA-016	W1-11-2190
Pomerene	12305001	55-228308	31.984253, - 110.273279	Least Agriculture, LLC	112-17-BAD-011	W1-11-1905
Pomerene	12305001	Unknown	31.984235, - 110.273265	Least Agriculture, LLC	112-17-BAD-011	W1-11-1905
Pomerene	12327014	55-500566	31.964128, - 110.276991	Ogilvie Cattle Company LLC	112-17-BDA-001	W1-11-1980
Pomerene	12327014	55-515181	31.963592, - 110.273244	Ogilvie Cattle Company LLC	112-17-BDA-001	W1-11-1980
Pomerene	12335001	55-086515	31.959269, - 110.273243	Ogilvie Cattle Company LLC	112-17-BDA-002	W1-11-1981
Pomerene	12337003	55-611847	31.949124, - 110.269690	Thacker Holdings, Inc	112-17-BDA-005	W1-11-1984
Pomerene	12418009	55-558320	31.942744, - 110.267663	Bradley, Norman K., Jr.	112-17-ACB-007	W1-11-1758
St. David	12010009B	Unknown	31.913825, - 110.234677	Curt	112-17-ACC-010	W1-11-1761
St. David	12018008B	55-610360	31.908790, - 110.225431	Nelson, Jay M.	112-17-ACD-130	W1-11-1806
St. David	12111002B	55-609236	31.897660, - 110.227835	Thacker, Scott	112-17-DBA-123	W1-11-2094
St. David	12111003B	55-625744	31.8961, - 110.223055	Kartchner, Paul B.	112-17-DBA-282	W1-11-2115
St. David	12121013B	55-607853	31.872962, - 110.211350	McWhorter; Guinn, E. M.	112-17-DBD-003	W1-11-2150
St. David	12122006B	55-506312	31.862875, - 110.208128	Michaels, Judy	112-17-DBD-011	W1-11-2158
Pomerene	12418008B	55-628283	31.943780, - 110.270360	Kirkpatrick Family Trust	112-17-BDA-007	W1-11-1986

AREA	TAX PARCEL NUMBER	REGISTRATION NUMBER	GPS	WELL OWNER/ REGISTRANT	WFR(s)	Case(s)
St. David	12115016B	55-609235	31.897403, - 110.232467	Thacker, Scott	112-17-DBA-123	W1-11-2094
St. David	12010006L	55-516830	31.912558, - 110.235280	Fisher, Daniel A.	112-17-ACC-009	W1-11-1760
St. David	12010011A	55-612813	31.914517, - 110.230803	Mayberry, Roland F.	112-17-ACC-010	W1-11-1761
St. David	12013001A	UNKNOWN	31.912132, - 110.231519	Daley	112-17-ACC-013	W1-11-1763
St. David	12013003A	55-613366	31.910551, - 110.231198	Dahl	112-17-ACC-089	W1-11-1781
St. David	12013003A	55-613368	31.910480, - 110.231126	Dahl	112-17-ACC-089	W1-11-1781
St. David	12013005C	55-613367	31.911434, - 110.232943	Dahl	112-17-ACC-009 112-17-ACC-089	W1-11-1760 W1-11-1781
St. David	12014005E	55-620728	31.908793, - 110.237569	Sandve, Patricia A.	112-17-ACC-026	W1-11-1764
St. David	12014005G	55-607860	31.907715, - 110.235381	Brimhall, Jerry and Ruth	112-17-ACC-112 112-17-ACC-026 112-17-ACC-035	W1-11-1790 W1-11-1764 W1-11-1769
St. David	12015001D	55-220063	31.907446, - 110.231874	Daugherty, David	112-17-ACC-050	W1-11-1773
St. David	12015009B	55-623460	31.907077, - 110.232897	Allred, Dale H.	112-17-ACC-047 112-17-ACC-093	W1-11-1772 W1-11-1782
St. David	12017014A	55-607852	31.913852, - 110.229905	Bowen, Grant	112-17-ACD-097	W1-11-1801
St. David	12107004A	55-626881	31.898443, - 110.221974	Kartchner, Fred and Beverly	112-17-DBA-001	W1-11-2074
St. David	12107004A	55-801914	31.898443, - 110.221974	Kartchner Farms	112-17-DBA-001	W1-11-2074
St. David	12109005J	55-229719	31.903068, - 110.222954	Gintz, Neil	112-17-DBA-113	W1-11-2092
St. David	12109008A	55-625379	31.900576, - 110.226154	Gintz, Neil and April	112-17-DBA-084	W1-11-2087
St. David	12111001A	55-605933	31.897973, - 110.222331	Driggs, Terisha	112-17-DBA-122	W1-11-2093
St. David	12111002A	55-570968	31.895123, - 110.230151	Kartchner, P.B. and S.D.	112-17-DBA-123	W1-11-2094
St. David	12111002B	55-609235	31.897550, - 110.228229	Thacker, Scott	112-17-DBA-123	W1-11-2094
St. David	12111002B	55-609236	31.897438, - 110.226498	Thacker, Scott	112-17-DBA-123	W1-11-2094
St. David	12112003F	55-625583	31.896562, - 110.213781	Kartchner, Fred and Beverly	112-17-DBA-010	W1-11-2080
St. David	12112003F	55-625587	31.896562, - 110.213781	Carpenter, Nickolas J. and Audrey K.	112-17-DBA-010	W1-11-2080
St. David	12115016B	55-609244	31.896718, - 110.233838	Thacker, Scott	112-17-DBA-123	W1-11-2094
St. David	12115019C	55-628464	31.901720, - 110.232288	Posegate, Jason and Cristy	112-17-DBB-065	W1-11-2142
St. David	12115050A	55-612814	31.903640, - 110.238851	Mayberry, R.	112-17-DBB-021 112-17-DBB-037	W1-11-2127 W1-11-2131
St. David	12115056G	55-625380	31.898747, - 110.232358	Branch, Quentin and Ross, Robert	112-17-DBB-066	W1-11-2143
St. David	12115056J	55-219483	31.901564, - 110.232780	Whitney, Kenneth	112-17-DBB-066	W1-11-2143
St. David	12117006A	55 612032	31.883618, - 110.215002	White, Estate of Henry	112-17-DBA-181	W1-11-2104

AREA	TAX PARCEL NUMBER	REGISTRATION NUMBER	GPS	WELL OWNER/ REGISTRANT	WFR(s)	Case(s)
St. David	12117008E	55-580914	31.887253, - 110.219192	Miller, Donald and Victoria	112-17-DBA-003	W1-11-2076
St. David	12117010D	55-618812	31.878217, - 110.222117	Miller, Quentin H.	112-17-DBA-003	W1-11-2076
St. David	12117032A	55-503968	31.888480, - 110.214549	Howe JR., J.	112-17-DBA-198	W1-11-2107
St. David	12122006C	55-648887	31.863597, - 110.207707	Husted, Eugene	112-17-DBD-010	W1-11-2157
St. David	12122006C	55-648889	31.863597, - 110.207707	Husted, Eugene	112-17-DBD-010	W1-11-2157
St. David	12128017C	55-610184	31.856420, - 110.208451	Gustafson, W. T.	112-17-DBD-016	W1-11-2162
St. David	12128017D	55-086764	31.855047, - 110.205509	Gustafson, W.	112-17-DBD-016	W1-11-2162
St. David	12133001E	55-6623431	31.846709, - 110.197282	Barnes, Robert and Rhonda	112-17-DCA-001	W1-11-2178
Pomerene	12307002T	UNKNOWN	31.988728, - 110.281931	Kartchner, Fred	112-17-BAD-001	W1-11-1898
Pomerene	12307002T	UNKNOWN	31.988780, - 110.281862	Kartchner, Fred	112-17-BAD-001	W1-11-1898
Pomerene	12307011G	55-530046	31.989108, - 110.285941	Barney, Eldon	112-17-BAD-001	W1-11-1898
Pomerene	12326011F	UNKNOWN	31.970999, - 110.274867	US Properties	112-17-BAD-028	W1-11-1917
Pomerene	12326011F	UNKNOWN	31.970957, - 110.274722	US Properties	112-17-BAD-028	W1-11-1917
Pomerene	12326011F	UNKNOWN	31.970830, - 110.274289	US Properties	112-17-BAD-028	W1-11-1917
Pomerene	12327001M	UNKNOWN	31.969327, - 110.273302	Larson, Gail	112-17-BAD-021	W1-11-1915
Pomerene	12327003G4	55-087276	31.968941, - 110.276855	Fenn, Mark and Carrie	112-17-BAD-022	W1-11-1916
Pomerene	12334003C4	55-086513	31.956593, - 110.270941	Ogilvie Cattle Company LLC	112-17-BDA-001	W1-11-1980
Pomerene	12334003C4	55-086514	31.958349, - 110.272633	Ogilvie Cattle Company LLC	112-17-BDA-001	W1-11-1980
Pomerene	12419004C	Unknown	31.937754, - 110.260976	Kartchner, Jacob	112-17-BDA-007	W1-11-1986
Pomerene	12419004C	Unknown	31.934716, - 110.261605	Kartchner, Jacob	112-17-BDA-007	W1-11-1986
Pomerene	20837012K	55-500380	32.007652, - 110.290237	East, Earl	112-17-BAA-185	W1-11-1881
Pomerene	20837012K	55-501439	32.007472, - 110.289152	East, Harold R.	112-17-BAA-185	W1-11-1881
Pomerene	20839010D	55-229691	31.999834, - 110.304793	Brandt, Allen and Amanda	112-17-BAB-003	W1-11-1892
Pomerene	20839010D	55-231070	32.000084, - 110.300842	Brandt, Allen and Amanda	112-17-BAB-003	W1-11-1892
Pomerene	20839010D	55-596907	31.995633, - 110.306939	Brandt, Allen and Amanda	112-17-BAB-003	W1-11-1892
Pomerene	20839010D	55-596912	31.995104, - 110.306934	Brandt, Allen and Amanda	112-17-BAB-003	W1-11-1892
Pomerene	20839010D	55-596913	31.999947, - 110.300560	Brandt, Allen and Amanda	112-17-BAB-003	W1-11-1892
Pomerene	20839010D	55-599144	31.999168, - 110.306918	Brandt, Allen and Amanda	112-17-BAB-003	W1-11-1892
Pomerene	20839010D	55-623752	31.996611, - 110.306913	Brandt, Allen and Amanda	112-17-BAB-003	W1-11-1892
Pomerene	20839010D	55-623753	31.997058, - 110.306944	Brandt, Eileen	112-17-BAB-003	W1-11-1892

AREA	TAX PARCEL NUMBER	REGISTRATION NUMBER	GPS	WELL OWNER/ REGISTRANT	WFR(s)	Case(s)
Pomerene	20840008K	TBD	31.989033, - 110.285892	Barney, Flint	112-17-BAD-001	W1-11-1898
Pomerene	20859012C	55-213327	32.025970, - 110.307231	Cochise Caverns LLC	112-14-DDD-002	W1-11-1509
Pomerene	20859012C	55-218122	32.033972, - 110.308403	Cochise Caverns LLC	112-14-DDD-002	W1-11-1509
Pomerene	20859012C	55-225903	32.024133, - 110.312182	Pomerene River Estates, LLC	112-14-DDD-002	W1-11-1509
Pomerene	20859012C	55-501410	32.035162, - 110.309868	Kartchner, Mark	112-14-DDD-002	W1-11-1509
Pomerene	20859012C	55-506144	32.024088, - 110.312205	Kartchner, Mark	112-14-DDD-002	W1-11-1509
Pomerene	20859012C	55-509139	32.024068, - 110.312162	Kartchner, Mark	112-14-DDD-002	W1-11-1509
Pomerene	20859012C	55-509141	32.022081, - 110.298862	Kartchner, Mark	112-14-DDD-002	W1-11-1509
Pomerene	20859012C	55-623754	32.025756, - 110.307252	Kartchner, Mark	112-14-DDD-002	W1-11-1509
Pomerene	20859012C	55-623756	32.035211, - 110.309810	Kartchner, Mark	112-14-DDD-002	W1-11-1509
Pomerene	20861007A	55-213257	32.020647, - 110.309334	Cochise Caverns LLC	112-14-DDD-002	W1-11-1509
Pomerene	20861007A	55-213329	32.020631, - 110.309370	Cochise Caverns LLC	112-14-DDD-002	W1-11-1509
Pomerene	20861007A	55-217680	32.020605, - 110.309434	Cochise Caverns LLC	112-14-DDD-002	W1-11-1509
Pomerene	20861007A	55-527529	32.021155, - 110.309560	Kartchner, Mark	112-14-DDD-002	W1-11-1509

ATTACHMENT B



Court Connect Hearing Notice for In re St. David Irrigation District

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 St. David Irrigation District Contested Case No. W1-11-1675

Start Date/Time: June 9, 2022 at 2:30 p.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](#)

