

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

10/16/2020

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN WARD HARRIS

T. DeRaddo
Deputy

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

FILED: 10/21/2020

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

STATUS CONFERENCE SET

Central Court Building – Courtroom 301

1:30 p.m. This is the time set for a telephonic Pretrial Conference. All parties appear telephonically.

The following attorneys and parties appear telephonically:

- Mark McGinnis and John B. Weldon, Jr. on behalf of Salt River Project (SRP).
- Sean Hood on behalf of Freeport Minerals.
- David Brown and William L. Staudenmaier on behalf of St. David Irrigation District, Gila Valley, Franklin Irrigation Districts and the City of Cottonwood.
- Kimberly Parks on behalf of Arizona Department of Water Resources (ADWR).
- Joe Sparks and Laurel Herrmann on behalf of the San Carlos Apache Tribe.
- Luke Christian on behalf of the Tonto Apache Tribe.
- John Burnside on behalf of BHP Copper and St. David Irrigation District.
- Charles Cahoy on behalf of City of Phoenix.
- Thomas Murphy on behalf of Gila River Indian Community.

- William H. Anger on behalf of City of Mesa.
- Rebecca Ross, Patrick F. Barry, and JoAnn Kintz on behalf of the US Department of Justice, Indian Resources Section.
- Rhett Billingsley on behalf of ASARCO.

David Brown addresses the Court. He asks for an additional 30 days to attempt to settle the third remaining issue in this case regarding whether wells would be supplemental or additional points of diversion. Mr. Brown states that he is working on drafting a stipulation with respect to that issue with all of the main parties and then any stipulation would be circulated among the parties that have not been involved in the main negotiations. If successful, there would be nothing to try. Mr. Brown states that if the negotiations are not successful, he anticipates that the issue would require a one-day trial.

Mr. Brown requests that the current trial date of January 19, 2021 be vacated and reset to a later date. In response to a question from the Court about whether the stipulation entered into by the parties on the first issue would permit individual cases that have been consolidated in this case to be separated and dealt with individually, Mr. Brown states that he prefers to keep the cases consolidated at this time.

Mark McGinnis discusses the point of diversion issue and requests that a status conference be set to discuss the issue if not resolved. If the issue is resolved then phase two of the case can be discussed at the status conference.

Mr. McGinnis requests a clarification from the Court regarding the Court's minute entry with respect to the ruling on the Motion for Summary Judgment regarding forfeiture of pre-1919 water rights. The Court confirms that the minute entry filed September 10, 2020 is a ruling on Motion for Summary Judgment and is not a Rule 53 report to which objections must be filed within 60 days. Mr. McGinnis suggests that the question of whether the decision should be issued as a Rule 53 Report should be the subject of discussion at a status conference to be set in about a month.

Joseph Sparks requests that the parties be allowed to focus their time on negotiating a settlement rather than working on dispositive motions. Mr. Sparks requests that the dispositive motions dates be vacated and the deadlines be extended. He requests that the trial date be vacated and reset at the end of March 2021. Mr. Sparks believes that this trial will take 8-10 days due to complicated issues that need to be resolved. He proposes that dates for dispositive motions be set at the next status conference.

Mr. Christian and Ms. Ross support the position taken by the San Carlos Apache Tribe.

Counsel make their positions known on the record.

For the reasons stated on the record,

IT IS ORDERED vacating the deadline for dispositive motions currently set for November 16, 2020.

IT IS FURTHER ORDERED vacating the current trial date of January 19, 2021.

All court proceedings are recorded digitally and not by a court reporter. The parties or counsel may request a CD of the proceedings. For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.

1:49 p.m. Matter concludes.

LATER:

IT IS FURTHER ORDERED setting a telephonic Pretrial Conference for **December 4, 2020 at 2:30 p.m.** The parties are instructed to call the Bridge Line at 602-506-9695 and dialing the Access Code: 357264 to be connected to the courtroom.

Discussion will include setting a new dispositive motion deadline and setting a new trial date if the remaining issue in phase one of the case has not been settled.

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