

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

10/02/2020

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN WARD HARRIS

S. Ortega
Deputy

In re: Magma Copper Company
Contested Case No. W1-11-2394

FILED: 10/12/2020

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

MINUTE ENTRY

Central Court Building – Courtroom 301

1:30 p.m. This is the time set for a Status Conference before Special Water Master Susan Ward Harris.

The following attorneys appear by telephone: Rhett Billingsley for ASARCO; Mark McGinnis on behalf of Salt River Project; John D. Burnside on behalf of BHP Copper; Joseph P. Sparks and Laurel A. Herrmann for the San Carlos Apache Tribe; Kimberly Parks for Arizona Department of Water Resources (“ADWR”); Jay Tomkus for the Yavapai Apache Nation and observing for the Pascua Yaqui Tribe; Richard Palmer on behalf of the Tonto Apache Tribe; and John LeMaster for Resolution Copper Mining, LLC.

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

Mr. LeMaster gives an update to the Court regarding the recent filings by Resolution Copper and the issues regarding the surface water rights and the three wells transferred to Resolution Copper to which it is claiming water rights. He states that three monitoring well were installed for environmental purposes in 2015.

Discussion is held regarding the deadlines outlined in Resolution Copper’s proposed schedule.

Mr. Billingsley has some questions regarding Resolution Copper's proposed schedule because the Status Report includes several wells and water right claims that are not addressed in the watershed file report. Resolution Copper should file a report as to what water sources and claims it will pursue in this case and then consider whether or not there needs to be an amendment to the watershed file report to address those claims so they are framed properly within the context of the case and before the parties file their initial disclosures and expert reports. He also states that amended claims should be filed before the parties file disclosure statements and expert reports.

Mr. Burnside agrees with Mr. Billingsley's position.

Mr. Sparks agrees with John Burnside and Mr. Billingsley.

Mr. Palmer concurs with Mr. Billingsley's position and believes there needs to be more information before proceeding further.

Mr. Tomkus has nothing further to add.

Mr. McGinnis agrees with Mr. Billingsley's position.

The Court states that more information is needed about the claims that Resolution Copper will make before moving forward in this matter. The Court is not inclined to order the parties to file disclosure statements or expert reports prior to knowing what claims Resolution Copper is asserting.

Further discussion is held regarding the report to be filed by Resolution Copper. Mr. LeMaster states that the report will identify all of the information Resolution Copper has as well as all the claims they intend to pursue and the proposals they intend to take in the future.

Mr. Sparks is concerned that Resolution Copper is bringing new claims that were not considered by ADWR. That is the reason the Court and the parties need more information.

Based on the discussion as held on the record.

IT IS ORDERED that by **December 30, 2020**, Resolution Copper Mining, LLC shall file a comprehensive report outlining its claims with attached draft statements of claimant. The Court will then set a status conference in January 2021 to discuss the proposed schedule based on the substance of Resolution Copper's report.

Mr. Cahoy states that has no objections and nothing to add with respect to the discussion above, but states that the City of Phoenix is an objector to this watershed file report and should be included on the Court-approved mailing list.

IT IS FURTHER ORDERED adding Charles L. Cahoy for the City of Phoenix to the Court-approved mailing list.

1:56 p.m. Matter concludes.

LATER:

A telephonic status conference shall be held at 1:30 p.m. on **January 15, 2021**.

Instructions for telephonic participation:

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.