

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

10/23/2019

CLERK OF THE COURT
FORM V000

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SPECIAL WATER MASTER
SUSAN HARRIS

A. Hatfield

Deputy

In re: Asarco-Irrigation
Contested Case No. W1-11-2801

FILED: 10/31/2019

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: Scheduling Conference

MINUTE ENTRY

Courtroom: CCB 301

1:37 p.m. This is the time set for a Scheduling Conference.

The following attorneys and parties appear in-person: Rhett Billingsley is present on behalf of ASARCO; and Mark McGinnis on behalf of SRP.

The following attorneys and parties appear telephonically: Kimberly Parks on behalf of AZ Department of Water Resources; Joe Sparks on behalf of the San Carlos Apache Tribe; and Jay Tomkus on behalf of the Yavapai-Apache Nation.

Court reporter, Jeannie Kappedal, is present and a record of these proceedings is made digitally.

Mr. Billingsley addresses ASARCO's position on 1) whether to separate this case into three separate cases: Aravaipa Ranch, PZ Ranch, and Robinson Ranch; 2) a date for objections to be filed to the ADWR report; and 3) a schedule for discovery deadlines, dispositive motions, and trial.

Mr. Billingsley states that ASARCO's preference is to maintain the cases as one consolidated case as there is an overlap to a great extent in the evidence, witnesses, and expert witnesses. It will be overall more cost effective and efficient for all the parties.

Mr. Billingsley further states that ASARCO intends to pursue a settlement of the objections to the claims in the case.

Discussion is held regarding PZ Ranch and Robinson Ranch.

The Court addresses WFR 114-04-BDD-016, contested case no. W1-11-3199, which is close to one of ASARCO's properties where ADWR found potential water rights for irrigation use and ASARCO had filed an objection stating that the land owner is not the owner of the property shown for the water rights and the property listed in that WFR should have been included WFR 114-04-BDD-002. The Court notes that a statement of claimant has not been filed in that case. The Court inquires if it is ASARCO's position that a new case should be initiated and consolidate it ASARCO's case even though there is no statement of claimant that has been filed.

Mr. Billingsley is not familiar with that WFR and will look into it.

Mr. McGinnis, Mr. Sparks, and Mr. Tomkus state their clients' positions regarding separating this case into three separate cases. The parties would like to keep them consolidated.

IT IS ORDERED that ADWR shall file its amended reports regarding ASARCO's amended statements of claimant and water uses on Aravaipa Ranch, PZ Ranch, and Robinson Ranch by **November 2, 2020**.

IT IS FURTHER ORDERED that objections to ADWR's reports are due **February 2, 2021**. Rule 26.1 disclosure statements will be due **February 22, 2021**.

A scheduling conference will be set after the objections to ADWR's reports are filed and Mr. Billingsley is to update the Court regarding the status of any settlements that have been reached by the time ADWR files its reports.

2:00 p.m. Matter concludes.

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