

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

11/01/2019

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

A. Hatfield
Deputy

In re: Salt River Project – River Preserve II
Contested Case No. W1-11-3104

FILED: 11/14/2019

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: Status Conference

MINUTE ENTRY

Courtroom: CCB 301

1:40 p.m. This is the time set for a status conference before Special Master Susan Harris to consider the claims and resolve objections to Watershed File Report 114-04-BAB-002 (WFR).

The following attorneys and parties appear in-person: Rhett Billingsley on behalf of ASARCO; Kevin Crestin on behalf of Arizona State Land Department (ASLD); and Mark McGinnis, Sharon Morris and Axel Buchwalter on behalf of Salt River Project (SRP).

The following attorneys and parties appear telephonically: John Burnside on behalf of BHP Copper; Laurel Herrmann on behalf of the San Carlos Apache Tribe; Julian Nava on behalf of Tonto Apache Tribe; Kimberly Parks on behalf of Arizona Department of Water Resources; and Jay Tomkus on behalf of Yavapai-Apache Nation.

Court reporter, Marylynn Lemoine, is present and a record of these proceedings is made digitally.

Mr. McGinnis advises the Court that the wells identified in the WFR are located within the subflow zone and have post-1919 uses for which no application to appropriate has been filed. The wells are part of the preserve and the only water use SRP ever intends to have on this property is *de minimis* wildlife watering.

Mr. McGinnis states that SRP will be filing new applications to appropriate water for *de minimis* stock and wildlife uses. SRP's preference is that the Court not dismiss Statements of Claimant (SOC) 39-2225 and 39-2221 and when SRP goes through the application process it will amend the SOCs or file new SOCs. Discussion is held.

Mr. Crestin confirms that SOC 39-6730, which was also considered in Watershed File Report 114-04-BAB-001, will not be pursued by ASLD.

The Court clarifies that SRP will be filing claims for stock watering and wildlife watering. There will be no claim for irrigation under this WFR.

The Court inquires if any of the parties have any objection to the dismissal of ASLD SOC 39-6730, retaining SOC 39-2225 and SOC 39-2221 so SRP can go forward with its application, and taking no further action with regard to this WFR. The parties in the courtroom and on the telephone have no objections.

IT IS FURTHER ORDERED that SOCs 39-2225 and 39-2221 are not dismissed and SRP may amend them to assert claims for stock watering and wildlife and all claims for irrigation use are dismissed.

IT IS FURTHER ORDERED that the case is stayed pending completion of SRP's application to appropriate.

1:41 p.m. Matter concludes.

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