

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

12/12/2019

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

A. Hatfield

Deputy

In re: John and Mary Lou Smith
Contested Case No. W1-11-3207

FILED: 12/17/2019

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

1:30 p.m. This is the time set for a Status Conference to consider the claims and resolve objections to Watershed File Report (“WFR”) 114-04-CAA-001.

The following attorneys and parties appear in-person: Kevin Crestin and John LeSueur on behalf of the Arizona Game and Fish Commission (“AZ Game and Fish”); Mike Foy on behalf of Salt River Project; and Rhett Billingsley on behalf of ASARCO.

The following attorneys and parties appear telephonically: John Burnside on behalf of BHP Copper; Laurel Herrmann on behalf of San Carlos Apache Tribe; Susan Montgomery on behalf of Yavapai-Apache Nation; Kimberly Parks on behalf of Arizona Department of Water Resources; and Jade Dickens on behalf of the Arizona Game and Fish Commission.

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

LET THE RECORD REFLECT that landowners, John and Mary Lou Smith, are not present or represented by counsel.

Mr. Crestin makes an oral motion for the Attorney General’s office on behalf of the Arizona Game and Fish Commission to be added to the Court-approved mailing list.

IT IS ORDERED granting the motion and adding the Attorney General’s office on behalf of the Arizona Game and Fish Commission to the Court-approved mailing list.

Mr. Crestin reports that the places of use and points of diversion for irrigation are all on land owned by AZ Game and Fish. Mr. Crestin states that the case initiation order points out that there may be a discrepancy on the watershed file report (“WFR”) map. AZ Game and Fish is still in the process of gathering information and Mr. Crestin proposes 60 days to confer with the objectors and ADWR and file a status report regarding the places of use identified in the WFR.

The Court indicates that the WFR map shows two parcels. Mr. Crestin states that AZ Game and Fish is only claiming water rights on the parcel to the south as it does not own the parcel to the north.

Discussion is held whether the WFR needs to be amended because the information in the WFR and Statement of Claimants regarding the places of use is correct and refers to land owned by AZ Game and Fish property but the map related to the WFR is incorrect.

Ms. Parks states that the WFR does not need to be amended.

The Court inquires if ASARCO intend to continue to assert objections in this case.

1:38 p.m. Mr. Billingsley responds.

Mr. Foy agrees that no amended WFR is necessary in this case. SRP does intend to pursue objections in this case and is willing to meet with the claimant.

The Court inquires if the parties have any objections to AZ Game and Fish preparing abstracts for circulation.

There being no objections,

IT IS FURTHER ORDERED that AZ Game and Fish shall prepare proposed abstracts with a map showing location of use of claimed water rights and distribute them amongst the parties and shall file by January 24, 2020 either an agreement from all objecting parties to withdraw objections and a stipulation to the entry of the proposed abstracts or file a status report identifying those parties whose objections have not been resolved.

1:40 p.m. Matter concludes.

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