

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

07/20/2020

CLERK OF THE COURT
Form V000

SPECIAL WATER MASTER
SUSAN HARRIS

S. Ortega
Deputy

In re: WH Claridge W1-11-3394

In re the General Adjudication of
All Water Rights to Use Water in the
Gila River System and Source
W-1, W-2, W-3, W-4 (Consolidated)

FILED: 08/17/2020

In re: Continued Scheduling Conference

MINUTE ENTRY

Courtroom CCB - 301

1:30 p.m. This is the time set for a continued Scheduling Conference before Special Water Master Susan Harris to ascertain The Nature Conservancy's Instream Flow Right.

The following attorneys telephonically appear: Kimberly R. Parks on behalf of the Arizona Department of Water Resources ("ADWR"); Bradley Pew on behalf of ASARCO; John D. Burnside on behalf of BHP Copper; Gregory Larson, on behalf of The Larson Education Trust, as Trustee; Lucas Christian on behalf of Tonto Apache Tribe; Joe P. Sparks and Laurel A. Herrmann on behalf of San Carlos Apache Tribe; Mia A. Montoya Hammersley on behalf of Yavapai-Apache Nation and observing on behalf of the Pascua Yaqui Tribe; Michael K. Foy and Mark A. McGinnis on behalf of the Salt River Project ("SRP"); and Carla A. Consoli on behalf of AZ Chapter of the Nature Conservancy.

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

Mr. Larson updates the Court regarding assignments of Statements of Claimant 39-3993, 3995, 39-3996 and the status of stipulated abstracts. Mr. Larson confirms that

the three wells in the Well Report are the same wells referenced in the Amended Statements of Claimant. Mr. Larson also states that it is unclear from his discussions with opposing parties whether an amended Watershed File Report (WFR) is needed for these claims.

Ms. Consoli states her concerns regarding flood contamination finding its way into the water system and depletion of surface water system. She would like to see a resolution that respects the need to maintain the remediation caps while limiting the amount of water available to do so to only what is needed.

Mr. Foy states that if the claimant is going to pursue a mining claim, then an amended WFR would be necessary.

Mr. Sparks agrees that Mr. Larson has correctly stated the nature of the discussions to find an acceptable resolution and appreciates the Nature Conservancy's position. Mr. Sparks also realizes how difficult it would be to amend the Statements of Claimant for mining due to lack of notice. Mr. Sparks states that they are working constructively with the claimant and other parties to maintain the stabilization of the contamination.

Mr. Christian agrees with Mr. Sparks' position with respect to the need for an amended WFR.

Ms. Hammersley has no position on the amended WFR at this time and remains willing to work towards an agreement.

Mr. Pew understands the desire to avoid the need for an amended WFR. ASARCO has been working with Mr. Larson to come to a resolution of this matter.

Mr. Burnside states that BHP Cooper has been working with Mr. Larson regarding a resolution and believes this matter can and should be resolved through a stipulated abstract. Mr. Burnside does not have a position on an amended WFR at this time.

The Court addresses the issue of amending the WFR and the Zone 2 Well Report.

The Court proposes, based on the amended statements of claimant, that if the parties are unable to come to a stipulated agreement, that an amended WFR will be prepared by ADWR and then a determination will be made whether notice issues exist.

Mr. Larson has no objection to the proposed approach by the Court.

Without objections,

IT IS ORDERED that ADWR shall file a Watershed File Report for this case by **November 2, 2020**. If the parties in advance of November 2, 2020 can come to

agreement by stipulated abstracts, the Court will vacate the requirement for the Watershed File Report. If no abstracts are filed by November 2, 2020, the Court will set a conference in this matter to determine whether or not the Court needs to notice the Watershed File Report.

1:49 p.m. Matter concludes.

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