

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

06/06/2018

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN WARD HARRIS

A. Hatfield

Deputy

In Re: Pima County Flood Control District
Contested Case No. W1-11-2690

FILED: 06/19/2018

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

11:00 a.m. This is the time set for a status conference before Special Water Susan Ward Harris.

The following attorneys and parties appear in-person: Michael LeBlanc and Michael McNulty on behalf of Pima County Flood Control District ("District"). Jay Tomkus on behalf of Yavapai-Apache Nation and Pascua Yaqui Tribe; Charles Cahoy on behalf of City of Phoenix; R. Jeffrey Heilman and Michael Foy on behalf of Salt River Project ("SRP"); and Carrie Brennan on behalf of the Arizona State Land Department ("ASLD").

The following attorneys and parties appear telephonically: John Burnside on behalf of BHP Copper; Kimberly Parks on behalf of the Arizona Department of Water Resources ("ADWR"); Bradley Pew on behalf of ASARCO; and Joe Sparks on behalf of San Carlos Apache Tribe and Tonto Apache Tribe.

Court reporter, Mike Benitez, is present and a record of these proceedings is made digitally.

Discussion is held concerning ADWR's amended Watershed File Report (WFR) 113-11-002, and the ownership of land in which stock watering claim 113-11-002-

SW002 is located. The Court notes that ADWR has not changed the location of SW002 in its amended watershed file report based on documentation provided by the District.

Mr. LeBlanc and Mr. McNulty respond to the Court's questions regarding Bellota Corporation and the assignment of Certificate of Water Right 655 into the name of Pima County Flood Control District. Mr. McNulty advised that the District is working with Bellota Corporation to accomplish the assignment and request that the District be allowed additional time to obtain an assignment of Certificate of Water Right 655.

Ms. Parks states that ADWR has not taken any action with respect to the District's request regarding the procedure to establish ownership of Certificate of Water Right 655.

Further discussion is held concerning the District's filing of a new Statement of Claimant (SOC) 39-17931 with a March 4, 1997 priority date that is not included in the amended WFR, and SOC 39-17886 filed October 14, 2016 which is in support of 4A-1252 which is a pre-filing for SW001 and concerns land located in another WFR.

The Court advises the parties that the amended WFR is not intended to analyze new claims.

IT IS ORDERED that SOC 39-17931 will not be included in the amended WFR and the Court will not be dealing with SOC 39-17886.

The Court notes that the irrigation claims in WFR 113-12-BA-012 appear to have been substantially amended by the District.

Mr. Foy advises the Court that there is interest amongst the objecting parties to settle the claims with the assistance of ADWR. Discussion is held.

The Court sets the following deadlines to resolve objections to WFR 113-12-BA-012:

- Disclosure statements and Expert Reports are due December 14, 2018.
- Discovery is to be completed by June 3, 2019.
- Motions are due August 5, 2019.
- Trial is to begin on September 16, 2019.

Mr. Burnside responds that BHP Copper is willing to participate in the settlement conference.

Mr. LeBlanc states his concerns regarding SRP's objections to the date in the Hydrologic Survey Report (HSR).

Ms. Parks, Mr. Foy and Mr. Sparks state their position.

The Court notes that the District is asking to withdraw SOC 39-2768 and 39-2771 and they want to add 39-14734 after the HSR was issued with a different diversion point.

Mr. McNulty responds.

The Court states it will not add a new SOC and is not inclined to allow the withdrawal of two SOCs that were included in the original HSR. Discussion is held.

Mr. Foy, Mr. Burnside, Mr. Sparks and Mr. Tomkus all state their position.

11:22 Matter concludes.

LATER:

IT IS FURTHER ORDERED denying the District's motion to withdraw SOCs 39-2768 and 39-2771 and add 39-14734.

IT IS FURTHER ORDERED that the parties shall file a joint Settlement Report by August 31, 2018.

IT IS FURTHER ORDERED that the District shall file a report regarding the status of its efforts to obtain an assignment of Certificate of Water Right 655 by September 14, 2018.

IT IS FURTHER ORDERED that the initial trial date shall be extended until October 21, 2019.

A copy of this order is mailed to all persons listed on the Court approved mailing list for Contested Case No. W1-11-2690.