

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

7/10/2017

CLERK OF THE COURT  
FORM V000

SPECIAL WATER MASTER  
SUSAN HARRIS

A. Hatfield

Deputy

In Re: San Pedro Riparian National  
Conservation Area  
Contested Case No. W1-11-232

**FILED: 7/20/2017**

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**

9:59 a.m. This is the time set for a status conference to address pretrial matters, any issues raised by the parties, and to address the expected length of the trial.

The following attorneys and parties appear telephonically: Carrie Brennan and Edwin Slade on behalf of the Arizona Attorney General's Office, Natural Resources Section; Julia Kolsrud on behalf of the San Carlos Apache Tribe; R. Lee Leininger and David Gehlert on behalf of the U.S. Department of Justice, Environment and Natural Resources Division; and Susan Montgomery on behalf of the Yavapai-Apache Nation,

The following attorneys and parties appear in-person: Sean Hood on behalf of Freeport Minerals Corporation; Jeffrey Heilman and Michael Foy on behalf of the Salt River Project; Robert Anderson on behalf of Liberty Utilities (Bella Vista); William Anger on behalf of the Cities of Avondale, Chandler, Glendale, Mesa, and Scottsdale; Monique Coady on behalf of the City of Phoenix, Kimberly Parks and Janet Miller on behalf of the Arizona Department of Water Resources; and William Sullivan on behalf of Pueblo Del Sol Water Company and the City of Sierra Vista.

Court reporter, Diane Donoho, is present and a record of these proceedings is made digitally.

Mr. Hood on behalf of Freeport Minerals Corporation advises the court on the status of discovery and requests that an additional week be added to the trial calendar.

Mr. Leininger on behalf of the U.S. Department of Justice indicates that he would like to meet and confer with the other parties concerning the witnesses who may be offering testimony regarding impact of the Federal Reserved Water Rights on other water users.

Discussion is held concerning the Motion in Limine deadline. Mr. Leininger suggests accelerating the deadline to August 31, 2017. Mr. Leininger also requests that Oral Argument be held well in advance of the trial date. Mr. Foy on behalf of the Salt River Project joins with the United States' motion in moving up the date for Oral Argument re: Motion in Limine.

**IT IS ORDERED** accelerating the deadline for the filing of Motions in Limine from October 2, 2017 to **August 31, 2017**. Oral Arguments are to be heard prior to October 16, 2017, and the briefing schedule will be set accordingly by the Court.

Discussion is held concerning the field visit to the site by the court. Mr. Leininger is directed to submit a proposed itinerary and dates.

Mr. Heilman on behalf of the Salt River Project and Mr. Leininger each advise the court on the status of discovery.

**IT IS FURTHER ORDERED** that supplemental Rule 26.1 disclosure statements are to be filed by **August 15, 2017**.

Further discussion is held on Joint Pretrial Statement and exhibits list. The court proposes that the United States submit their draft to the opposing parties on or before August 31, 2017. There are no objections.

The following parties are participating in the Joint Pretrial Statement and exhibits list: The United States Department of Justice; Freeport Minerals Corporation; Salt River Project; Liberty Utilities; the City of Sierra Vista; Pueblo del Sol Water Company; the Arizona State Land Department, and the San Carlos Apache Tribe.

The Court advises that the Readiness Conference needs to be rescheduled and inquires if the Readiness Conference is needed. Discussion is held. The parties agree that the Readiness Conference shall be scheduled.

Pursuant to the stipulation of counsel, the parties are to use the Disposition exhibit numbers.

10:23 a.m. Matter concludes.

LATER:

**Joint Pretrial Statement**

The parties shall comply with the following schedule:

August 31, 2017	United States shall produce and distribute a Pretrial Statement which includes an Exhibit List to all parties. The initial exhibits shall be the exhibits from the depositions taken in this contested case and the trial exhibit numbers shall be the same as the deposition exhibit numbers.
September 8, 2017	Salt River Project shall distribute the Pretrial Statement with its additions to all parties.
September 14, 2017	Freeport Minerals Corporation shall distribute the Pretrial Statement with its additions to all parties.
September 20, 2017	Arizona State Land Department shall distribute the Pretrial Statement with its additions to all parties.
September 25, 2017	City of Sierra Vista and Pueblo Del Sol shall distribute the Pretrial Statement with their additions to all parties.
September 28, 2017	Liberty Utilities shall provide its additions to the Pretrial Statement to all parties.
October 3, 2017	San Carlos Apache Tribe and all other parties shall provide their additions to the Pretrial Statement to all parties.
October 16, 2017	Joint PreTrial Statement shall be filed. Each party shall file its exhibits with the Clerk and provide a separate copy on a thumb drive to Judge Brain

The joint pretrial statement shall contain a comprehensive section which identifies the stipulated material facts and law that are not in dispute. It shall also contain a separate section that identifies the contested material issues of fact and law. Each party may also include a separate statement of fact and law that the party believes to be material.

The joint pretrial statement shall include a List of Witnesses for Trial. This list shall contain the name of each witness a party actually intends to call at trial, the day the party intends to call each witness and the estimated time needed for direct, cross and re-direct examination.

The exhibit list included in the Joint Pre-Trial Statement shall be prepared using the following columns:

Exhibit No.	Offered	Date Rec'd in Evidence	File Name for E-exhibit	Brief Description	Extended Description	Source
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The Extended Descriptions for Exhibits which are briefly described as a “letter” or “email” will be identified by sender, recipient, date and subject. Exhibits briefly described as “Declarations” “Report” and “memo” will be identified by the declarant or writer, respectively, date and subject. All other exhibits will include a subject description. No document that is not in pdf, word or excel format shall be listed as an exhibit. The “source” column will identify the context in which the document was previously produced. No party shall list an exhibit which is duplicative of another party’s exhibit. The final Joint Pretrial Statement shall be signed by counsel for all parties.

**Motions in Limine**

Responses to Motions in Limine filed on or before August 31, 2017, shall be filed on or by September 19, 2017, and Replies shall be due on September 29, 2017. Oral argument shall be held on October 5, 2017, at 1:30 p.m. before:

The Honorable Mark Brain  
Maricopa County Superior Court  
Central Court Building – 201 West Jefferson  
Courtroom 1201  
Phoenix AZ 85003

Instructions for telephonic participation in all of the above proceedings:

1. Dial 1 602-506-9695 (toll free number)
2. Dial Participant Pass Code 163622# (pound)

**Readiness Conference**

A readiness conference shall be held on October 25, 2017, at 1:30 p.m. before:

Special Master Susan Ward Harris  
Maricopa County Superior Court  
Central Court Building – 201 West Jefferson  
Courtroom 301  
Phoenix AZ 85003

Instructions for telephonic participation:

1. Dial 1 602-506-9695 (toll free number)
2. Dial Participant Pass Code 357264# (pound)

**Trial Dates**

An additional week shall be added to the trial schedule: January 8, 2018 - January 12, 2018.

A copy of this order is mailed to all persons listed on the Court approved mailing list for Contested Case No. W1-11-232.