

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

December 12, 2022

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

M. Pritchard

Deputy

In re: Subflow Technical Report, Verde River
Watershed
Contested Case No. W1-106

FILED: January 5, 2023

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

NOTE: The Court made orders after the hearing that are set forth at the end of this Minute Entry.

1:30 p.m. This is the time set for a Status Conference before Special Water Master Susan Ward Harris.

The following attorneys and parties appear via Court Connect:

- Kimberly Parks and Kome Akpolo on behalf of the Arizona Department of Water Resources (“ADWR”)
- Charles Cahoy on behalf of the City of Phoenix
- William Staudenmaier on behalf of the Town of Chino Valley
- Sue Montgomery of behalf of the Yavapai Apache Nation (and observing on behalf of Pascua Yaquai Tribe)
- Michael Foy on behalf of Salt River Project (“SRP”)
- Daniel McCarl and Lee Leininger on behalf of the United States

- Alexandra Arboleda and Luke Erickson on behalf of the Town of Prescott Valley
- Jenny Winkler on behalf of the City of Chandler
- Kevin Crestin on behalf of Arizona State Land Development (ASLD)
- Michael Roland observing on behalf of the Cities of Avondale, Scottsdale, Tempe, Glendale and Mesa
- Sean Hood observing on behalf of Freeport Minerals Corporation
- J. Brown and David Brown on behalf of the City of Cottonwood
- Clyde Halstead on behalf of the City of Prescott
- Johnnie Martin on his own behalf
- Yolanda Moneglia on her own behalf
- Steve Wene on behalf of the City of Safford and Town of Camp Verde
- Laurel Herrmann observing on behalf of the San Carlos Apache Tribe

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

The Court explains that the purpose of today is to determine a schedule for how to proceed with the objections and whether or not *de minimus* procedure can be used for certain water rights in the Verde Valley.

Mr. Martin has objected on the basis that his well is exempt from all regulation due to the Groundwater Act of 1980.

Ms. Moneglia objects on the same basis.

The Court explains the process for obtaining a legal right for appropriable water.

Mr. Foy suggests the following schedule: three months from now, all rule 26.1 disclosure statements to be filed, including expert reports; two months thereafter rebuttal expert reports shall be disclosed; two months later, expert depositions, written discovery, and for dispositive motions to be filed; and a Trial scheduled in December 2023 or January 2024.

Mr. Hood is observing only and does not anticipate participating. He has no position.

Mr. Staudenmaier has concerns about the suggested timeline due to limitations of his client's resources. He would like six months for the initial disclosure and expert reports.

Mr. Crestin will possibly have one or two experts. He would request eight months for initial disclosure and expert reports.

Ms. Montgomery agrees with the schedule suggested by Mr. Foy. The Yavapai Apache Nation may have one expert.

Mr. McCarl agrees with the schedule suggested by Mr. Foy. The United States may or may not have any expert(s).

Mr. Halstead states that the City of Prescott may or may not have any expert(s).

Mr. Wene has no position.

Mr. Rolland is observing only and has no position.

Mr. Brown has no position and does not plan on having any experts at this time.

Ms. Arboleda states that the Town of Prescott Valley may or may not have any expert(s). She agrees with Mr. Staudenmaier and Mr. Crestin that a longer initial period would be best. She would like six to eight months.

Mr. Cahoy states that the City of Phoenix has no issues with technical findings in this case. He would be in agreement with the proposed schedule of Mr. Foy or Mr. Staudenmaier.

There are no further comments or objections.

A schedule shall be set by the Court as a “later” to this minute entry.

1:48 p.m. Matter concludes.

LATER:

IT IS ORDERED setting the following schedule:

- **August 4, 2023** –Rule 26.1 disclosure statements shall be filed and expert reports disclosed.
- **October 6, 2023** – Rebuttal expert reports due.
- **December 15, 2023** – All discovery shall be completed.
- **February 17, 2024** – Dispositive motions shall be filed.
- **July 10, 2024** – Trial

The deadline for filing objections with the Maricopa County Superior Court to the Technical Report prepared by ADWR was October 28, 2022. On November 22, 2022 Arizona Department of Water Resources forwarded to the Court copies of two Objections to the *de minimis* Report which they received from Greg Stowe and Yolanda Moneglia. These objections were not filed with the Clerk of Court nor were copies of these objections sent to the office of the Special Water Master.

On November 28, 2022 the Clerk of Court forwarded to the office of the Special Water Master a copy of an objection to the *de minimis* Report filed by John Brink. This

objection was filed with the Clerk of Court on November 1, 2022. Prior to this date, the office of the Special Water Master was not aware that an objection had been filed by John Brink. At this point no decision is made about the objections that were either untimely filed or not filed with the Maricopa County Superior Court.

IT IS ORDERED adding Greg Stowe, Yolanda Moneglia, and John Brink to the Court-approved mailing list for this case for the purpose of receiving courtesy copies of the documents in the proceedings until an order is issued with respect to their objections.

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