

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

September 17, 2024

CLERK OF THE COURT
T. DeRaddo
Deputy

SPECIAL WATER MASTER
SHERRI ZENDRI

(1) Contested Case Nos:

- **W1-11-2081** In Re: *Orie Alvin Owens*
- **W1-11-2089** - *Valley National Bank*
- **W1-11-2090** - *William & Esther Taylor*
- **W1-11-2111** - *Ruth B. Singer*
- **W1-11-2119** – *San Pedro Investments*
- **W1-11-2128** – *Robin L. & Linda M. Richey*

(2) Contested Case No: W1-11-2708

In Re: *Norman G. and Barbara Y. Crawford*

(3) Contested Case No: W1-11-2697

In Re: *Hope Iselin Jones*

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, and W-4 (Consolidated)

FILED: 9/19/2024

MINUTE ENTRY

Courtroom CCB - 301

10:01 a.m. This is the time set for a virtual/telephonic Scheduling Conference regarding the coordination and scheduling of the above-mentioned cases, before Special Water Master, Sherri Zendri.

The appearances are predominately the same for all three main cases, as listed above; however, some attorneys are appearing for or observing on behalf of only one or two matters.

The following attorneys appear virtually/telephonically via Court Connect/Teams.

- Brian Heiserman, Jay Brown, and Garrett Perkins on behalf of C-Spear, LLC; The St. David Irrigation District and The Brown Estate.
- John Burnside on behalf of The St. David Irrigation District and on behalf of BHP Copper (in the Jones and Crawford matters only)
- Mark McGinnis and Katrina Wilkinson on behalf of SRP
- Joseph Sparks and Laurel Herrmann on behalf of the San Carlos Apache Tribe
- Alexander Ritchie on behalf of the San Carlos Apache Tribe
- Gus Guarino, Jared Crum, and Mark Widerschein on behalf of the United States
- Rhett Billingsley on behalf of ASARCO
- Sean Hood on behalf of Freeport Minerals
- Merrill Godfrey on behalf of the Gila River Indian Community
- Kimberly Parks and Karen Nielsen observing on behalf of ADWR
- Kevin Crestin and Eric Wilkins on behalf of the Arizona State Land Department
- Robin Interpreter on behalf of the Yavapai Apache Nation, Hope Iselin Jones and Norman G and Barbara Y. Crawford
- Also present are Kumen Taylor, Jana Sutton, Rodney J. Held and M. Woodward.

The Court notes that the parties are not in agreement to the suggested scheduling dates proposed by Mr. Heiserman. The Court did not receive a filing regarding the parties' disagreements to the deadlines suggested by Mr. Heiserman.

Mr. Heiserman suggests several scheduling deadline dates in an effort to assist in the coordination of the cases.

There are objections to the suggested deadline dates.

Gus Guarino states that the parties have worked very hard to come up with scheduling of the deadlines in each case that would work for everyone. He asserts that the parties are working well together to accomplish this. He informs the Court that generally, the parties have agreed to most dates through December. The parties begin to have disagreements thereafter.

Mr. Guarino states that they are attempting to work on the "ASARCO" element of things. There is now litigation that is being restarted that the parties were not working on for several months.

Mr. Godfrey opines that discovery could be finished by January 24, 2025. After that date he believes that a schedule could be worked out with the Claimants. He believes that the parties should meet and confer to work out the schedules.

Mr. Billingsly, on behalf of ASARCO, concurs with the dispositive motion schedule that Mr. Heiserman proposed. He states that the United States has changed its expert report regarding scheduling due to certain conflicts. He feels that discovery may need to be extended. Thus the ASARCO schedule should need to be revised, and then the parties can work out final scheduling.

Mr. Godfrey states that he opposes Mr. Heiserman's proposed schedule, and is of the opinion that the parties should confer with ASARCO to be given an opportunity to work out an amended schedule that encompasses 4 cases (with the addition to the schedule of the ASARCO matter), prior to submission to the Court.

Mr. Heiserman agrees.

The Court agrees with the parties working out a schedule that encompasses the 4 cases, if they are in agreement thereto.

Mr. Guarino addresses the Court and offers a suggestion regarding the filing and service of the Court's cases, citing the fact that these water cases do not use the Maricopa County Superior Court's efilng system. He believes that the logistics of filing the papers in the general adjudication cases is not the best way to get the documents to the Court in a timely manner. He suggests that the filing/service date be set as the date that the papers are in the FedEx mail or if the parties send an email with the attached document as a courtesy copy.

The Court is in agreement with Mr. Guarino that an efilng system would be beneficial to the parties and the Court in the water cases. The Court suggests to the parties that when filing a document, they copy the Court's staff and attach the documents. The parties shall also submit a courtesy email if doing this.

Mr. Guarino may submit a proposal regarding this system. Any party may file a response thereto.

After further discussion regarding scheduling issues,

IT IS ORDERED that the proposed schedule is due by not later than **September 30, 2024**, which shall encompass all cases in which this minute entry is filed as well as the ASARCO matter.

10:33 a.m. Matter concludes.

NOTE: All court proceedings are recorded digitally and not by a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may request a CD of the proceedings. **For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100**, or order online at ERS@superiorcourt.maricopa.gov.

A copy of this minute entry will be sent to all people on the court-approved mailing list for this matter.