

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

May 21, 2025

CLERK OF THE COURT
A. Parmar
Deputy

SPECIAL WATER MASTER
SHERRI ZENDRI

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

FILED: May 27, 2025

In re: Hope Iselin Jones
Contested Case No. W1-11-2697

and

In re: Norman G. and Barbara Y. Crawford
Contested Case No. W1-11-2708

MINUTE ENTRY

Courtroom 301 – Central Court Building

9:00 a.m. This is the time set for a Pre-Trial Conference before Special Water Master Sherri Zendri.

The following parties/attorneys appear virtually through Court Connect:

- Brian J. Heiserman, Bradley Pew and Garrett Perkins on behalf of C-Spear LLC and Hartman Farms LLC
- Katrina Wilkinson and Mark McGinnis on behalf of Salt River Project (“SRP”)
- Eric Wilkins on behalf of the Arizona State Land Department (“ASLD”)
- Andrew “Guss” Guarino, Mark Widerschein and Alexa Penalosa on behalf of the United States Department of Justice, Environment and Natural Resources Division
- Joe Sparks, Laurel A. Herrmann, Bernardo Velasco and Alexander Ritchie on behalf of the San Carlos Apache Tribe

- Merrill Godfrey on behalf of the Gila River Indian Community (“GRIC”)

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

The Court addresses the parties regarding recent filings and upcoming trial. The Court sent out an order denying United States’ *Motion in Limine* filed April 29, 2025 this morning and Mr. Burtell’s testimony will be permitted. A Limited Motion for Reconsideration was filed by the San Carlos Apache Tribe on May 20, 2025. The Court informs the parties that it will be denying that Motion. The parties are further advised that the upcoming trial will be held in Courtroom 411 in the East Court Building for three days.

The Court calls for comments on the anticipated length of trial.

Counsel Heiserman addresses the Court regarding opening statements. He notes that there has been some disagreement on who should be entitled to provide an opening statement and the time limits.

Counsel Guarino addresses the Court regarding the length of trial. He notes that the parties have not agreed to submit expert reports in place of direct testimony and that will affect the length of trial.

Discussion is held regarding experts and trial length. Counsel Heiserman believes that trial will take approximately five days. Counsel Guarino clarifies that he does not oppose opening statements but it will take at least a half day of the trial time and three days will not be sufficient.

Counsel Godfrey addresses the Court. He states that the objectors’ position is that only parties with claims or objections should be presenting opening statements. There is disagreement amongst the parties as to who should be permitted to present opening statements.

Counsel Wilkinson addresses the Court. She states that it is their position that they are entitled to present an opening statement and cross examine witnesses as their claims are distinct from the claimants. She further clarifies that any opening statement given by SRP would be brief.

Counsel Sparks addresses the Court. It is their position that the tribe and other objectors should have 20 minutes for opening statements and the claimants in chief should have more time.

Counsel Wilkins addresses the Court. He echoes the comments of Counsel Wilkinson in that the Department is entitled to give an opening statement and cross examine witnesses.

Counsel Heiserman addresses the Court.

Discussion is held.

The Court addresses the parties.

Further discussion is held regarding whether there should be time limits for direct testimony and cross examination.

Counsel Heiserman addresses the Court regarding trial exhibits, witnesses and depositions. The Claimants will be responsible for providing the exhibit flash drive to the Clerk's Office and will bring the original sealed deposition transcripts on the first day of trial. They believe the best approach for order for examination would be that the parties not opposing the witness should conduct cross examination after direct examination, then the opposing parties would cross examine the witness. There are two deposition transcripts (marked as trial exhibits) that the parties have agreed to designate in full without testimony of a live witness. There are some objections stated in the depositions, any objections still being asserted can be addressed at the time of admission of the exhibits.

Discussion is held regarding post-trial briefing. Counsel Heiserman proposes that everyone file an opening brief with a page limit, then a responsive brief, then the claimants be permitted to file a brief reply. Counsel Godfrey indicates that they will follow the Court's preference, however ideally, they would have some rulings before the second trial commences as that may affect whether a second trial occurs.

Discussion is held regarding the de minimis claims and the Court's Order on the Motions for Summary Judgment.

IT IS ORDERED correcting Appendix A of the Court's *Order on Motions for Summary Judgment* filed May 13, 2025 to clarify that the summary adjudication procedures do apply to those de minimis claims. A revised copy of the Appendix is attached to this Minute Entry.

IT IS FURTHER ORDERED that trial will initially be set for four days, June 2, 2025 through June 5, 2025 (with the option to increase time if necessary) with a 15 minute time limit for opening statements for each party.

IT IS FURTHER ORDERED that scheduling for post-trial briefing will be addressed at the time of trial.

LET THE RECORD REFLECT that the Court will work with their technology department to ensure a livestream for the trial is available.

9:46 a.m. Matter concludes.

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

APPENDIX A – REVISED 5/21/2025

Case No.	Current Landowner	PWR No.	Claimed Priority Date	Total Acreage	Quantity of Water (AFA)	Status
W1-11-2081	Petra Christensen	112-17-DBA-061-IR001	11/29/1877	0.32	1.79	Dismissed
		112-17-DBA-061-IR002	11/29/1877	6.78	37.97	Dismissed
		112-17-DBA-061-DM001	11/29/1877	N/A	1.0	Withdrawn
		112-17-DBA-061-SW001	11/29/1877	N/A	Reasonable Use	<i>De minimis</i> Review
W1-11-2089	Barbara Salomon and Justin Manchester	112-17-DBA-087-IR001	11/29/1877	14.50	81.2	Proceed to trial
		112-17-DBA-087-IR002	11/29/1877	0.21	1.18	Proceed to trial
		112-17-DBA-087-DM001	11/29/1877	N/A	1.0	<i>De minimis</i> Review
		112-17-DBA-087-SW001	11/29/1877	N/A	Reasonable Use	<i>De minimis</i> Review
W1-11-2090	William Warskow	112-17-DBA-088-OT001	11/29/1877	0.49	2.74	Dismissed
W1-11-2111	William Warskow	112-17-DBA-247-OT001	11/29/1877	0.18	1.01	Dismissed
W1-11-2119	Kuman and Connie Taylor	112-17-DBA-322-IR003	11/29/1877	2.85	15.96	Dismissed
W1-11-2128	Cochise County Investments	112-17-DBB-023-IR001	11/29/1877	6.77	37.91	Dismissed
		112-17-DBB-023-DM001	11/29/1877	N/A	1.0	<i>De minimis</i> Review
		112-17-DBB-023-SW001	11/29/1877	N/A	Reasonable Use	<i>De minimis</i> Review
W1-11-2697	C-Spear, LLC	113-12-CAA-001-IR001	4/8/1880	47.81	383.91	Procced to trial
			6/1/1979	23.81	140.72	Proceed to trial
		113-12-CAA-001-IR002	6/30/1885	40.09	321.92	Proceed to trial
		113-12-CAA-001-DM001A	4/27/1878	N/A	1.0	<i>De minimis</i> Review
		113-12-CAA-001-DM001B	10/31/1905	N/A	1.0	Withdrawn
		113-12-CAA-001-DM001C	4/8/1880	N/A	1.0	Withdrawn
		113-12-CAA-001-SW001	4/8/1880	N/A	Reasonable Use	<i>De minimis</i> Review
W1-11-2708	Hartman Farms, LLC	113-12-DBC-009-IR090A	11/21/1888	16.08	126.07	Proceed to trial
		113-12-DBC-009-IR090B	2/28/1879	26.39	206.90	Proceed to trial
		113-12-DBC-009-DM001A	2/28/1879	N/A	1.0	<i>De minimis</i> Review
		113-12-DBC-009-DM001B	11/21/1888	N/A	1.0	<i>De minimis</i> Review
		113-12-DBC-009-SW001	2/28/1879	N/A	Reasonable Use	<i>De minimis</i> Review