

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

08/23/2017

CLERK OF THE COURT

Form V000

SPECIAL WATER MASTER SUSAN HARRIS

L. Stogsdill
Deputy

In re Larsen Contested Case No. W-1-11-3310

In re Luebberrmann Contested Case No. W-1-11-3311

In re Brighthawk, L.L.C. Contested Case No. W-1-11-3312

FILED: 08/30/2017

In re the General Adjudication
of All Rights to Use Water in
The Gila River System and Source

Re: Status Conference

MINUTE ENTRY

CCB-301

1:30 p.m. This is the time set for a status conference before Special Water Master Susan Harris to discuss status of the above cases.

Court reporter Patricia Kotarba is present and a record of the proceedings is also made digitally.

The following attorneys appear telephonically with respect to all three cases:

John D. Burnside on behalf of BHP Copper, Inc.; R. Lee Leininger on behalf of the United States; Janet L. Miller and Kimberly R. Parks on behalf of the Arizona Department of Water Resources; Susan B. Montgomery on behalf of the Pascua Yaqui Tribe and Yavapai-Apache Nation; and Joe P. Sparks on behalf of the San Carlos Apache Tribe and the Tonto Apache Tribe.

Richard McQuillan appeared telephonically on behalf of his mother, Mary Larsen, in **In Re Larsen**.

The following are present in the courtroom:

David A. Brown and J. Albert Brown appear in **In re Brighthawk** on behalf of Brighthawk, LLC. Tom and Betty Wagner are present in the courtroom.

David A. Brown and J. Albert Brown appear in **In re Luebberman** on behalf of Stephen and Jane Turcotte and David and Joyce Rychener, successors in interest to the Luebbermans. Stephan Turcotte is present in the courtroom.

Steve Wene appears in **In re Larsen** on behalf of Catherine Gorman and Philip Hedrick who are also present in the courtroom.

With respect to all three cases, Mark McGinnis appears on behalf of Salt River Project and Alexandra Arboleda appears on behalf of the City of Flagstaff and City of Safford.

Discussion is held regarding the **In re Larsen** case. The court notes that the landowners made substantive objections to the watershed file reports prepared by the Arizona Department of Water Resources. The court requests that Mr. McQuillan meet with ADWR to discuss the objections filed by Mr. McQuillan's mother and grandfather. The parties indicate to the court that they are willing to meet.

Discussion is held regarding the **In re Luebbermann** and **In re Brighthawk** cases. David C. Brown advises the court that amendments need to be filed. Counsel further advises the court that the parties hope to reach a stipulation to resolve the matter. Steve Wene advises the court that he will file a Notice of Appearance. He advises the court that his clients would like to resolve the matter as well and requests a period of time to resolve objections. Mark McGinnis concurs with counsel. A. Lee Leininger advises the court of the United States' position and that they are still analyzing the claims and objections. Joe Sparks, Susan Montgomery, John D. Burnside and Kimberly Parks are also in agreement with previous counsels' suggested approach regarding these cases.

David C. Brown proposes a schedule by which the landowners will produce and amend the necessary documents to proceed with these matters by the end of the year and requests that a status conference be scheduled in early 2018. All counsel agrees with the proposed schedule outlined by Mr. Brown.

IT IS ORDERED that Mr. McQuillan shall meet with ADWR to address the objections filed by the landowners in **In re Larsen** by **December 29, 2017**.

The court advises counsel and the parties that it will issue a scheduling order with regard to these matters.

1:48 p.m. Matter concludes.

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

LATER:

IT IS FUTHER ORDERED that the parties in each case shall file any amendments to their statements of claimant and any assignment of existing statements of claimant that they deem necessary with the Arizona Department of Water Resources by **December 23, 2017**. By that same date, the parties shall provide to the objectors any information regarding their claims for water rights which they believe will advance the discussions to resolve the objections.

The purpose of the meeting regarding **In re Larsen** between the landowner and the Arizona Department of Water Resources is to address the objections to the watershed file report filed by James T. O'Neil and Mary Larsen and determine whether those objections can be resolved by agreement, an amended to the Statements of Claimant or by an amendment to the watershed file report.

IT IS FUTHER ORDERED that the Arizona Department of Water Resources shall notify Catherine Gorman and Philip Hedrick and their counsel of the meeting no less than ten calendar days in advance of the scheduled meeting date. Catherine Gorman and Philip Hedrick, as partial successors in interest, and their counsel may attend and participate in the meeting. Within five business days of the meeting, Arizona Department of Water Resources shall file a meeting report with the court regarding any proposed or anticipated changes to the Statements of Claimant or to the watershed file report. A copy of the meeting report shall be mailed to all parties in **In re Larsen**.

IT IS FURTHER ORDERED that a status conference shall be held regarding the resolution of objections in all three cases on **Thursday, February 15, 2018, at 1:30 p.m.** The conference will be held in Maricopa County Superior Central Court Building, Courtroom 301, 201 West Jefferson Street, Phoenix, AZ 85003.

Instructions for telephonic participation:

Dial: 602-506-9695 (local)

1-855-506-9695 (toll free long distance)

Dial Participant Pass Code 357264#