

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

05/18/2017

CLERK OF THE COURT
Form V000

SPECIAL MASTER
SUSAN WARD HARRIS

S. Brown
Deputy

W1-11-3377

FILED: 5/31/2017

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

W1-11-3377

In re: Arizona Chapter of the Nature Conservancy
Salazar-Tapia Ditch

MINUTE ENTRY

Courtroom – 301 Central Court Building

9:29 a.m. This is the time set for a Scheduling Conference before Special Master Susan Ward Harris to address the claims for and objections to certain water rights asserted by The Nature Conservancy in the Aravaipa subwatershed.

Counsel, Stanley Lutz is present on behalf of the Arizona Chapter of the Nature Conservancy along with client representative, Scott Deeny. Counsel, Mark McGinnis and Jeffrey Heilman are present on behalf of SRP. Counsel, Janet Miller and Kimberly Parks are present on behalf of the Arizona Department of Water Resources. Appearing telephonically are counsel, Laurel Hermann, Julia Kolsrud, and Joe Sparks on behalf of the San Carlos Apache Tribe and Tonto Apache Tribe, and counsel, David Brown on behalf of unidentified users of the Aravaipa Creek system.

Court reporter, Lydia Estrada-Gray, is present and a record of the proceedings is also made digitally.

The Special Master discloses that her husband works at the firm of Lewis Roca, Rothgerber & Christie that represents The Nature Conservancy, the claimant in this matter. Mr. Harris does not have more than a de minimis interest that could be affected by the adjudication. Any objections to the Special Master presiding over this matter shall be filed within ten (10) days.

Mr. Lutz addresses the Court regarding his proposal to allow The Nature Conservancy to investigate and amend the statements of claimants and objections relating to its water right claims.

IT IS ORDERED granting Mr. Lutz's proposal to file Amended Statements of Claimants by November 17, 2017. Mr. Lutz is directed to also file a status report that includes a table listing the beneficial uses, places of use, points of diversion, the amounts claimed, and the priority dates in the new Amended Statements of Claimant and in the original Statements of Claimant.

Discussion is held regarding consolidating additional claims filed by The Nature Conservancy.

9:40 a.m. Court stands at recess for the purpose of allowing Mr. Lutz to confer with his client.

9:46 a.m. Court reconvenes with the parties and respective counsel present.

Court reporter, Lydia Estrada-Gray, is present and a record of the proceedings is also made digitally.

Mr. Lutz agrees to the consolidation of other claims for water rights filed by The Nature Conservancy into separate matters: the claims located on land managed by BLM; the claims located on state trust land; the instream flow claims; and the stockpond claims. Mr. Lutz further requests additional time to conduct the investigation due to the volume of claims.

IT IS ORDERED denying Mr. Lutz's request for additional time. If counsel is unable to comply with the November 17th deadline, the Court will address it at that time.

The Court will set a status conference for a date after Mr. Lutz files his report to schedule further proceedings.

9:49 a.m. Matter concludes.

LATER: Responses to The Nature Conservancy's report shall be filed by December 8, 2017. A status conference shall be held on Friday, December 15, 2017, at 10:30 a.m. in the Superior Court, 201 West Jefferson, Courtroom 301, Phoenix, Arizona.

A copy of this order is mailed to all persons listed on the Court approved mailing list for Contested Case In Re Arizona Chapter of the Nature Conservancy-Salazar-Tapia Ditch-W1-11-3377.