

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

06/06/2018

CLERK OF THE COURT  
FORM V000

SPECIAL WATER MASTER  
SUSAN WARD HARRIS

A. Hatfield

Deputy

In re: Redfield Canyon State Claims  
Contested Case No. W1-11-2665

**FILED: 6/19/2018**

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: Scheduling Conference

**MINUTE ENTRY**

**Courtroom: CCB 301**

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

The following attorneys appear in-person: Charles Cahoy on behalf of the City of Phoenix; and Michael Foy and Jeffrey Heilman on behalf of the Salt River Project ("SRP").

The following attorneys appear telephonically: Carrie Brennan on behalf of the Arizona State Land Department; Carla Consoli on behalf of the Arizona Chapter of the Nature Conservancy; R. Lee Leininger on behalf of the U.S. Department of Justice; Kimberly Parks on behalf of the Arizona Department of Water Resources; Joe Sparks on behalf of the San Carlos Apache Tribe and the Tonto Apache Tribe; and Jay Tomkus on behalf of the Pascua Yaqui Tribe and the Yavapai-Apache Nation.

Court reporter, Hilda Lopez is present and a record of these proceedings is made digitally.

Mr. Leininger addresses the Court regarding the Statements of Claimant (SOCs) that are to be withdrawn or included by the United States.

The Court inquires if the United States wants to withdraw the SOC's at issue and file new claims or amend existing SOC's.

IT IS ORDERED dismissing SOC Nos. 39-7273, 39-7276, 39-7280, 39-7283, 39-7301, 39-7302, 39-7307, and 39-7308.

Mr. Leininger and Ms. Consoli agreed that all water rights identified in the watershed file reports at issue will be held by the United States and not The Nature Conservancy.

The Court will not consolidate the case associated with Watershed File Report (WFR) 113-13-015 with this case for reasons stated on the record.

The Court states that there are six WFRs now at issue: 113-09-016, 113-12-005, 113-12-008, 113-12-009, 113-12-010, and 113-13-007. All involve stock watering and stockpond claims.

The Court will prepare draft abstracts for water rights which are *de minimis* and send them to Arizona Department of Water Resources to review the legal descriptions. The abstracts will be sent to all the parties for review. The parties will have 60 days to file objections. Objections are to be primarily limited to clerical mistakes.

The Court states that there are three instream uses in WFR 113-13-007.

Mr. Leininger stated that the application for instream use for Redfield Canyon and Swamp Springs has been denied by ADWR and BLM does not intend to take any further action.

Discussion is held regarding new objectors and notice requirements. The Court states that the instream uses were included in the HSR and all interested parties had the opportunity to file objections to the WFRs that include the in-stream uses. No additional notice is required.

The Court sets the following deadlines:

- Motions and Cross-motions for Summary Judgment are to be filed by September 12, 2018. Normal deadlines for responses and replies in a Summary Judgment apply.
- Oral Arguments on the Summary Judgment motions will be set ten days after replies are due.
- Disclosure Statements and Expert Reports are due by March 4, 2019.
- Discovery is to be completed by September 6, 2019.
- Motions are to be filed by November 8, 2019.
- Trial is set to begin on February 10, 2020.

1:57 p.m. Matter concludes.

**LATER:**

In its pleading filed April 5, 2018, the United States reported that ADWR had rejected its Application for Permit to Appropriate Public Water No. 33-94369 for instream flow purposes. According to WFR 113-12-010, Application 33-94369 claimed 10,860 acre feet annually for recreation, fish and wildlife. Potential water right 113-12-010-WL001 listed the applicable adjudication filing as Statement of Claimant 39-13617 and the applicable pre filing as application 33-94369. In 1992, BLM filed an amended Statement of Claimant 39-13617 reducing the claimed right to 3,620 acre feet of water. Given the denial of Application No. 33-94369 and the reported intent of BLM to not pursue a permit for instream flow purposes under state law, no basis for the Statement of Claimant 39-13617 exists. Accordingly, in the absence of a showing by the United States filed no later than **July 10, 2018** that a basis exists for Statement of Claimant 39-13617, Statement of Claimant 39-13617 will be dismissed and the potential water right 113-12-010-WL001 will be denied.

A copy of this order is mailed to all persons listed on the Court approved mailing list for Contested Case No. W1-11-2665.