

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

02/15/2018

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

A. Hatfield

Deputy

In re: St. David Irrigation District
Contested Case No. W1-11-1675

FILED: 03/01/2018

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

11:00 a.m. This is the time set for a Scheduling Conference before Special Master Susan Ward Harris to determine procedures to move forward with this case and to identify all of the parties desiring to assert water rights to water supplied from the St. David Irrigation Ditch.

The following attorneys and parties appear in-person: David Brown, Eugene Husted, Jack Husted, Neil Gintz, and Brian McKeighen on behalf of St. David Irrigation District; Mark McGinnis on behalf of Salt River Project; Sheryl Sweeney on behalf of the Jordan Revocable Trust.

Due to the number of parties appearing telephonically, the Court requested that each party participating telephonically send an email to the Court's assistant advising of his or her telephonic participation. The following attorneys and parties appeared telephonically: Joe Sparks on behalf of the San Carlos Apache Tribe and Tonto Apache Tribe; Stephen Cann on behalf of the Nature Conservancy; Carrie Brennan on behalf of the Arizona State Land Department; John Burnside on behalf of BHP Copper; Kimberly Parks on behalf of Arizona Department of Water Resources; Jay Tomkus on behalf of Pascua Yaqui Tribe and Yavapai-Apache Nation; Ernest G. and Marla L. Pesqueira; and Heather Borman.

Court reporter, Jennifer Church, is present and a record of these proceedings is made digitally.

The Court states that the purpose of today's hearing is to put a procedure into place to identify the people who actually have an interest and make sure they are included on the mailing list and to dismiss those who have no interest in diverting irrigation water from the St. David Irrigation District.

David Brown suggests that St. David Irrigation District contact everybody on the mailing list to ascertain who are the real owners at the present time and if they are still in the District. Mr. Brown requests six months to amend the mailing list and fifteen months to amend the claims.

Discussion is held concerning objections. The Court inquires if it would be helpful if all the objections were posted on the Court's website. The Court also suggests that Mr. Brown use the most current mailing list which is posted on the website.

Mark McGinnis states that it would be helpful if the objections were posted on the website.

Discussion is held concerning SRP's general objections to ADWR methodology for calculating the amounts to be adjudicated for irrigation uses.

Joe Sparks has no objections to Mr. Brown's request for time.

Further discussion is held regarding the information that should be included in the amended statement of claimants.

Steve Cann on behalf of the Nature Conservancy requests to be dismissed from this action and removed from the mailing list.

11:16 a.m. Matter concludes.

A copy of this order is mailed to all persons listed on the Court approved mailing list for Contested Case No. W1-11-1675.

LATER:

Heather Borman, who participated by telephone, sent two emails during the course of the proceeding. The first email stated that she was listening to the hearing on the telephone. The second email requested that she be dismissed from the proceedings because she will not need to use water from the Saint David Irrigation Canal. Accordingly,

IT IS ORDERED that Heather Borman is dismissed and shall be removed from the mailing list.

IT IS FURTHER ORDERED that the St. David Irrigation District shall file by August 17, 2018, a list of all claimants on whose behalf it will assert claims for irrigation use. The filing by St. David Irrigation District shall be accompanied by a statement signed by each claimant on the list stating that St. David Irrigation District is representing the claimant in this case. Upon receipt of the filing, the mailing list will be amended to remove all persons who will be represented by St. David Irrigation District.

During the course of the proceeding, discussion occurred regarding the information that will be included in the Statements of Claimant. Mr. Sparks expressed the concern that the form of Statement of Claimant may not comply with current statutes. Objections to the existing form of Statement of Claimant and/or requests for the inclusion of additional information in the amended Statements of Claimant to be filed in this case shall be filed by October 19, 2018. Responses shall be filed by November 9, 2018. If such Objections are filed, oral argument shall occur on November 15, 2018, at 1:30 p.m. in the Maricopa County Superior Court, Courtroom 301, Central Court Building, 201 West Jefferson Street, Phoenix, Arizona 85003.

Instructions for telephonic appearance:
Dial: 602-506-9695 (local)
1-855-506-9695 (toll free long distance)
Dial Participant Pass Code 357264#

IT IS ORDERED that all new and amended statements of claimant for water from the St. David Irrigation Ditch for irrigation uses shall be filed by April 19, 2019.