

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

11/19/2021

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

S. Motzer

Deputy

In re: Pyeatt Group of Cases Contested Case
No. W1-11-0212

FILED: 11/24/2021

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

2:20 p.m. This is the time set for a virtual status conference before Special Master Susan Harris. The following parties appear via Court Connect:

Kimberly Parks for the Arizona Department of Water Resources;
Sean Hood for ASARCO;
John Burnside observing for BHP Copper;
Charles Cahoy for the City of Phoenix;
Laurel Herrmann for the San Carlos Apache Tribe;
Lauren Mulhern for the Tonto Apache Tribe;
Sara Ransom for Pyeatt Ranch, LLC;
Mark McGinnis and Mike Foy for Salt River Project (SRP);
William Anger for City of Mesa;
Thomas Murphy for the Gila River Indian Community;
Sue Montgomery for the Yavapai Apache Nation and observing for the Pascua Yaqui Tribe;

A Court Reporter is not present and a record of the proceedings is made digitally.

Ms. Ransom addresses the Court, stating that Pyeatt Ranch circulated a revised irrigation map, a revised abstract, and a proposed stipulation to the parties on November 15, 2021.

Ms. Herrmann confirms that she has received the above information, but that there has been no chance to review it yet.

Ms. Mulhern confirms same, but they she has not yet received edits from SRP.

Mr. Murphy states that he has received it and that he is in the process of reviewing it.

Ms. Ransom states that she will circulate the revised abstract based upon SRP's revisions.

Mr. Foy addresses the Court stating that SRP has no edits to the abstract itself, and that the edits are pertaining solely to the stipulation. He further states that SRP has no issues with the abstract.

Based on the foregoing, the Court states that it will set a date in December for Ms. Ransom to file a status report or stipulated abstracts.

Discussion is held regarding the *de minimis* claims.

Ms. Ransom addresses the Court. The Court confirms that it works off the WFR to prepare abstracts pursuant to the *de minimis* process. Ms. Ransom states that she can work with SRP to submit updated drafts.

Mr. Foy addresses the Court pertaining to which claims are eligible for the *de minimis* process.

Mr. Cahoy states that he does not believe the City of Phoenix will have any objection to the forthcoming revised documentation.

Ms. Mulhern states that she has received the abstracts and is in agreement with Mr. Cahoy.

Ms. Herrmann is in agreement with Mr. Foy that any claims that are not reflected in the WFR are not eligible for the *de minimis* process.

Ms. Montgomery states that she has received the irrigation abstracts and that she echoes Mr. Foy's assessment.

Mr. Anger states that he has received and is currently in the process of reviewing the abstracts.

Ms. Ransom will need to consult with the parties regarding the claims that are not contained in the WFR.

Discussion is held regarding the additional WFR in this case that involves BLM property.

Ms. Ransom states that her client is not leasing property from BLM, but that the property at issue is leased from the United States Forest Service.

Discussion is held regarding Watershed File Report 111-22-001.

Mr. Foy states that it would make sense for Watershed File Report 111-22-001 to be consolidated under this case.

Ms. Herrmann states that she does not have a position at this time, but that she agrees that consolidation would be acceptable.

Ms. Mulhern takes the same position as Ms. Herrmann.

Ms. Montgomery addresses the Court regarding this as an issue of broad legal significance.

Mr. Anger see no reason to not move forward.

Ms. Ransom address the Court regarding the 2011 report prepared by ADWR. Additionally, she states that Pyeatt Ranch's position is that it owns the water right at issue.

The Court states that it will ensure that Watershed File Report 111-22-001 is consolidated, and that it will issue an order that requests the parties' positions going forward with the claims and regarding the broad legal significance. It will then set a status conference or ask for written responses.

Mr. Foy states that he believes that a written response would be appropriate.

Mr. Cahoy, Ms. Mulhern, Ms. Montgomery, and Mr. Anger all state that they agree with Mr. Foy.

Mr. Murphy states that he believes that given the nature of the issue, they need to ensure the participation of the United States moving forward by setting a status conference requiring their presence. The Court points out that the United States is an objector in this case that it chose not to appear, but that it can respond.

Mr. Foy states that everyone who is on the lists for W-1 through W-4 should receive notice.

Mr. Burnside addresses the Court regarding the two WFRs contained in the March 19, 2021 order.

Mr. Hood states that he echoes Mr. Burnside's comments.

Ms. Ransom addresses the Court regarding the timeline moving forward.

There are no other comments offered at this time.

2:45 p.m. Matter concludes.

LATER:

IT IS ORDERED that Pyeatt Ranch, LLC shall file a status report or stipulated abstracts and form of order by **December 29, 2021** for water rights that are located on the land investigated by Watershed File Reports 111-19-DC-010 and 111-19-DDC-001.