

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

January 25, 2023

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN WARD HARRIS

A. Parmar
Deputy

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

FILED: March 6, 2023

In re: Andrew and Lavee Mayberry
Contested Case No. W1-11-2131

MINUTE ENTRY

Courtroom 613 – East Court Building

2:30 p.m. This is the time set for an in-person Mapping Hearing and Status Conference to hear the consultants' presentation regarding the maps distributed on December 23, 2022, hear any objections and discuss the litigation schedule proposed by St. David Irrigation District before Special Water Master Susan Ward Harris.

The following parties/attorneys appear:

- David Brown and Garrett Perkins on behalf of St. David Irrigation District
- John Burnside on behalf of BHP Copper and St. David Irrigation District (co-counsel)
- Mark McGinnis and Jonathan Charlton on behalf of Salt River Project (“SRP”)
- Kevin Crestin on behalf of Arizona State Land Department (“ASLD”)
- Joe Sparks and Laurel Hermann on behalf of the San Carlos Apache Tribe alongside Attorney General for San Carlos Apache Tribe, Alexander Ritchie
- Jenny Winkler on behalf of City of Chandler

- Robyn Interpreter on behalf of the Yavapai Apache Nation (and observing on behalf of Pascua Yaqui Tribe)
- Maggie Woodward and R. Lee Leininger on behalf of the United States Department of Justice, Natural Resources Section
- Charles Cahoy on behalf of the City of Phoenix
- Christina Jovanovic on behalf of American Smelting and Refining Company (“ASARCO”)
- Wilbert J. Tabel on behalf of the City of Mesa
- Kimberly Parks and Kome Akpolo (appear virtually through TEAMS) on behalf of Arizona Department of Water Resources (“ADWR”)

Ms. Parks reports that staff members of ADWR are present in the courtroom to watch Mr. Brown’s presentation.

A record of the proceedings is made digitally in lieu of a court reporter.

LET THE RECORD REFLECT that this hearing is being held in conjunction with W1-11-2081, W1-11-2089, W1-11-2090, W1-11-2111, W1-11-2119, W1-11-2127, and W1-11-2128.

Discussion is held regarding the abstracts. The Court has received status reports from United States, San Carlos Apache Tribe and ASARCO listing the items in dispute.

Mr. McGinnis and Mr. Burnside did not file due to no disputed issues with the claimants.

Mr. Cahoy did not file because he does not believe the City of Phoenix will need to stipulate to the abstracts in this case and notes that they were not provided to him.

The Court notes the absence of counsel for Gila River Indian Community.

Ms. Interpreter did not file. She is preparing to speak to her clients about withdrawing from this set of cases.

Mr. Brown addresses the Court and presents the map prepared by St. David Irrigation District.

The parties express their comments on the presentation.

Mr. Sparks addresses the Court.

Ms. Interpreter addresses the Court.

Mr. Leininger addresses the Court.

Mr. McGinnis addresses the Court.

Mr. Crestin addresses the Court.

Mr. Burnside addresses the Court.

Mr. Brown addresses the Court regarding the proposed schedule.

Mr. Leininger addresses the Court.

Mr. Sparks addresses the Court.

Mr. Brown addresses the Court.

3:40 p.m. Matter concludes.

LATER:

Copies of Orders and Minute Entries in this case have been sent to the last known address of Andrew and Laree Mayberry, Roland and Verna Mayberry, and Jim Esker Mayberry. These documents have been returned with the notation that they cannot be forwarded.

IT IS ORDERED removing Andrew and Laree Mayberry, Roland and Verna Mayberry, and Jim Esker Mayberry from the Court-approved mailing list.

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