

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

08/18/2021

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN WARD HARRIS

L. Brown
Deputy

FILED: 10/22/2021

In re: ASARCO-Irrigation
Contested Case No. W1-11-2801
In re: ASARCO-Diversion
Contested Case No. W1-11-2798

In Re: The General Adjudication
Of All Rights to Use Water in the
Gila River System and Source
W-1 (Salt), W-2 (Verde), W-3 (Upper Gila) and W-4 (San Pedro) (Consolidated)

In re: Status Conference

MINUTE ENTRY

Central Court Building – Courtroom 301

3:00 p.m. This is the time set for a Status Conference before Special Water Master Susan Ward Harris to address the adjudication of the claimed and investigated water rights and determine whether the current landowner intends to pursue a right to water use on the land.

The following attorneys appear telephonically:

- Joe Sparks on behalf of San Carlos Apache Tribe
- Kimberly Parks on behalf of Arizona Department of Water Resources (“ADWR”)
- Rhett Billingsley, Shawn Hood and Cristina Javonovich on behalf of ASARCO, LLC
- Mark McGinnis and Mike Foy of behalf of Salt River Project (“SRP”)
- Sue Montgomery on behalf of Yavapai Apache Nation (and observing on behalf of Pascua Yaquai Tribe)
- John Burnside observing on behalf of BHP Copper
- Tom Murphy on behalf of Gila River Indian Community
- Charles Cahoy on behalf of the City of Phoenix
- Lauren Mulhern on behalf of Tonto Apache Tribe

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

The Court acknowledges that the status report submitted by Mr. Billingsley has been received. It seems that an extension needs to be set to that will allow him to engage in negotiations and for the parties to go to their respective clients. The extension should not go past the end of the year.

Mr. Billingsley addressed the Court. He stated he has been having successful settlement discussions with Salt River Project and they will request a short extension. They are requesting about a sixty day extension. He feels they will know if they will be able to reach a settlement and will report back to the Court regarding if they need more time or the need to set a settlement conference. He has reached out to other parties regarding a settlement but they are in the early stages. They have focused on the negotiations with Salt River Project as they have properties and water uses that are very close to each other on the San Pedro River and wanted to reach a settlement with them before moving on the negotiations with the other parties.

Mr. Billingsley stated that he would request the same extension in both cases.

Both cases will be held simultaneously with the status conference showing appearances by all parties for both cases.

Mr. McGinnis addressed the Court. He stated he has no objection to the sixty day request. He feels that they are further along in negotiations with ASARCO than other parties are.

Mr. Sparks addresses the Court. He stated he has had discussions with ASARCO, but the tribe has been shut down for over 18 months due to covid and that sixty days is not too much but feels they may be able to conclude the major part of the settlement in that time.

Mrs. Montgomery addresses the Court. She stated they have not been approached at this time but in terms of sixty days for Mr. Billingsley to work with Salt River Project and other parties to determine if there will be a settlement, it will take them a little more time because they have not seen any documentation regarding a settlement.

Mr. Murphy addresses the Court. He stated sixty days works for him.

Mrs. Mulhern addresses the Court. She stated she has no objection. She stated they have not been approached by ASARCO but thinks sixty days is optimistic.

Mr. Cahoy addresses the Court. He stated he has no objection to the sixty day extension. He stated they have not been approached by ASARCO.

Based on the discussions held,

IT IS ORDERED granting the Request for Extension of Time.

3:11 p.m. Matter concludes.

LATER:

IT IS FURTHER ORDERED setting a status conference on **November 19, 2021 at 4:00 p.m. for both cases W1-11-2801 and W1-11-2798.**

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