

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

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DIS. DENIED
CLERK OF THE COURT
FORM V000

Clerk of the Court

HONORABLE ~~EDDWARD BALLINGER~~ JR.

R. Luiszer
Deputy

W-1, W-2, W-3, W-4 (Consolidated)

FILED: APR 17 2001

In Re the General Adjudication
of All Rights to Use Water in
The Gila River System and Source

MINUTE ENTRY

2:05 p.m. This is the time set for Status Conference. Present are Robert Hoffman and Carlos Ronstadt representing BHP Copper, M. Byron Lewis, Mark McGinnis and Frederic Beeson representing Salt River Project, Anthony Fines representing Gila Valley Irrigation District, Lauren J. Caster representing ASARCO, Inc. and Arizona Water Co., Rod Lewis and Tim Pierson representing Gila River Indian Community, Doug C. Nelson representing Gila Bend Dendora Valley Water Users Association, Marilyn D. Cage representing City of Goodyear, Charlotte Benson representing City of Tempe, Cynthia Haglin representing City of Chandler, William Anger representing Cities of Chandler, Glendale, Mesa and Scottsdale, Joe P. Sparks representing San Carlos Apache Tribe, Tonto Apache Tribe, and Yavapai-Apache Nation, Graham M. Clark, Jr. representing Arizona Attorney General/State Claimants, William P. Sullivan representing Bella Vista Water Co., John Schaper representing Buckeye Irrigation Co, Steve Wene and Lee Storey representing City of Safford, Rio Rico Properties and Paloma, Jan Ronald and Gregg Houtz from Arizona Department of Water Resources, Lee Leininger and Pat

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Barry from U.S. Department of Justice, Riney Salmon representing San Carlos Irrigation District, Cindy Chandley representing Phelps Dodge Corp, Alan Matheson representing Roosevelt Water Conservation District, M. James Callahan representing City of Phoenix, Paul Norman representing City of Scottsdale, Richard Morrison representing HRS Farms, Sally Worthington representing Maricopa County, Bill Staudenmaier representing Arizona Public Service Co. Special Master, George A. Shade, Jr. and his assistant, Kathy Dolge, are present.

Court Reporter, Jean Villmer, is present.

I. INTRODUCTION OF COURT STAFF:

The Court introduces its staff.

II. REPORT FROM STEERING COMMITTEE:

Patrick Barry, representing the U. S. Department of Justice, outgoing chairman for the Steering Committee, reports to the Court that the committee recently met and discussed the status. The contention was the committee should continue to operate. Although the committee has not recently been used as often as before, the committee believes it can serve a useful purpose and aid the Court. The newly elected Chairman for the Steering Committee is M. James Callahan, and the Assistant Chair is Anthony Fines.

William Sullivan, representing Bella Vista Water Co., requests that notice of the Steering Committee meetings shall be provided to all persons on the Court-approved mailing list as was formerly done. There is no objection to this request.

IT IS ORDERED that notices of meetings of the Steering Committee and copies of the minutes of the meetings shall be sent to a representative of each entity appearing on the Court-approved mailing list.

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III. REPORT FROM ARIZONA DEPARTMENT OF WATER RESOURCES
(ADWR):

Jan Ronald, representing Arizona Department of Water Resources (ADWR):

1. discusses the status of the mailing list being prepared for claimants, and reports that ADWR continues to revise the claimants data base. Further updating of the data base will begin in July 2001,
2. ADWR reports that it has received the list of Gila River Indian Community (GRIC) allottees, and
3. announces that GRIC hydrographic survey report (HSR) should be finalized by the end of this calendar year.

The Court requests ADWR to inform the Court and parties of any changes that may occur that will take ADWR away from its estimated timelines.

The Court again informed the parties that it has an educational meeting with ADWR and requests that Ms. Ronald arrange the meeting.

IV. REPORT CONCERNING SETTLEMENT PROSPECTS:

Rodney Lewis, representing GRIC, discusses settlement prospects in the Lower Gila. Pat Barry comments concerning settlement in the Upper Gila. The participants are cautiously optimistic about the success of settlement discussions.

The Court states that it wishes to meet with Judge Michael C. Nelson to discuss in general terms the status of settlement discussions in which Judge Nelson is participating. No objections are heard about the Court meeting with Judge Nelson to discuss the status of settlement discussions. The Court will schedule a meeting with Judge Nelson at a convenient time.

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V. CASE NO. W1-206:

Discussion is held re the motions of the United States and GRIC to extend the time to file responses and replies to several motions for summary judgment filed on March 8, 2001.

IT IS ORDERED responses are due on June 1, 2001 and replies due on July 2, 2001.

Lee Storey, representing the City of Safford, addresses the Court re the City of Safford's motion filed to strike GRICs motion for summary judgment.

IT IS ORDERED responses are due on June 1, 2001 and replies due on July 2, 2001.

The Court inquires as to when there might be a decision made on the pending petition for review filed with the United States Supreme Court. Mr. Sparks states that the parties should know before the Supreme Court's June recess.

VI. SPECIAL MASTER THORSON'S DE MINIMIS REPORT:

This report was filed in Contested Case No. W-1-11-19 (In Re Sands Group of Cases). Objections, including the pending objections, responses and replies are discussed. A schedule for oral argument was discussed.

The Court finds the objections do not adequately specify which portions of the report should be modified. The objections must be more specific to and should identify the portions of the report to which the objections apply.

IT IS ORDERED setting oral argument on Special Master Thorson's de minimus report on September 27, 2001 at 1:30 p.m. in this division.

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IT IS ORDERED supplement briefs shall be filed in advance of oral argument, no later than September 6, 2001. Supplemental brief shall state with specificity the portions of the reports that the objections address and the changes sought in the report.

VII. SPECIAL MASTER THORSON'S JUNE 30, 2000 REPORT ON PRECLUSIVE EFFECT OF GLOBE EQUITY No. 59 DECREE:

Discussion is held re Special Master Thorson's June 30, 2000 report on the preclusive effect of the Globe Equity No. 59 decree. A schedule for oral argument is discussed.

IT IS ORDERED setting oral argument on November 27, 2001 at 9:30 a.m. in this division.

VIII. SPECIAL MASTER THORSON'S DECEMBER 28, 2000 REPORT ON PRECLUSIVE EFFECT OF OTHER AGREEMENTS AND DECREES:

Discussion is held re Special Master Thorson's December 28, 2000, report on the preclusive effect of certain agreements and decrees. A schedule for oral argument is discussed.

IT IS ORDERED setting oral argument on November 27, 2001 at 1:30 p.m. in this division.

IX. FT. HUACHUCA (Contested Case No. W1-11-605):

IT IS ORDERED setting a scheduling conference to resume this case for May 21, 2001 at 1:30 p.m. in Conference Room 230, Arizona State Courts Building 1501 West Washington, Phoenix, Arizona. The Office of the Special Master will send a notice to the Court approved mailing list for Contested Case No. W1-11-6-5.

X. REPORT FROM SPECIAL MASTER GEORGE A. SCHADE, JR.:

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Special Master George A. Schade, Jr. addresses all present.

XI. DISCUSSIONS RE DWR:

Joe Sparks discusses his objection to the Court meeting with DWR.

Further, Mr. Sparks requests the opportunity to submit comments re the participation of ADWR in ongoing settlement discussions. The Court will permit parties to submit written comments, which shall be submitted within thirty days.

XII. APPLICATIONS PRO HAC VICE

M. Jim Callahan, representing the City of Phoenix, addresses the Court re: application for admission Pro Hac Vice. Discussion is held between the Court, Mr. Callahan and Lee Leininger, representing the U.S. Department of Justice, on the issue of Mr. Leininger's need to file an application to appear Pro Hac Vice in this proceedings.

The Court directs Mr. Leininger to comply with the local requirements to appear in this proceeding Pro Hac Vice.

Discussion is held re: the release of names and address list.

XIII: LIST OF GRIC ALLOTTEES HELD BY ADWR:

Discussion is held re the release of names and addresses contained in the list of allottees that GRIC has provided to ADWR.

IT IS ORDERED that ADWR shall not release information contained in the list of allottees provided by GRIC without an order from the Court.

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XIV. MOTION FOR SUBSTITUTION OF COUNSEL:

Lee Storey requests a substitution of counsel be granted for Paloma Ranch Investments. The Court will consider the written Motion when it is received.

3:30 p.m. Court adjourns.

* * * *

The Court having received an Application for Substitution of Counsel,

IT IS ORDERED granting the Motion and permitting the law firm of Moyes Storey to substitute as its counsel of record in these proceedings in the place of Meyer, Hendricks & Bivens all in accordance with the formal written Order signed by the Court on April 4, 2001 and filed by the Clerk on April 4, 2001.

* * * *

A copy of this minute entry is mailed to all parties on the Court-approved W-1, W-2, W-3 and W-4 mailing list dated December 19, 2000 and to all parties on the W1-11-19 Court approved mailing list as modified November 8, 2000.