

—
SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY
—

CLERK OF THE COURT
FORM R000A

June 29, 1999

HON. SUSAN R. BOLTON

P. Woods
Deputy

— W-1, W-2, W-3, W-4 (Consolidated)
Contested Case Nos. W1-203 & W1-204

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

9:10 a.m. This is the time set for a Status Hearing.
Present are: Robert Hoffman, Lee Storey, Jan Ronald, Byron
Lewis, Lauren Caster, Steve Were, John Hestand, Mary Grier,
Cynthia Haglin, Dawn Meidinger, Cynthia Chandley, Shiela
Schmidt, Marilyn Cage, Anthony Fines, Sally Worthington, Bill
Staudenmaier, David Brown, Bill Sullivan, James Callahan, John
Schaper, Gregg Houtz, Patrick Barry, Bill Anger, Carlos
Ronstadt, Joe Sparks, Riney Salmon, Special Master John Thorson,
Kathy Dolge and Oscar Garcia.

Court Reporter Kim Myrick is present.

**As to the Status of Settlement Discussions on the Gila
River Indian Community Water Rights Claims:**

John Hestand, representing the Gila River Indian
Community (GRIC), reported that significant progress has been
made towards the settlement. He stated that John Weldon
representing the Salt River Project and Michael Brophy
representing the Roosevelt Water Conservation District (RWCD)
are meeting in Washington today with Senator Kyl. He stated
that the drafted legislation may be introduced to Congress by
the end of July and the hearings may begin in September on the
Gila River Indian Community Settlement Bill. He requested an
additional 30-day stay period for the responses to the Motion
for Summary Judgment.

—
SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY
—

CLERK OF THE COURT
FORM R000A

June 29, 1999

HON. SUSAN R. BOLTON

P. Woods
Deputy

— W-1, W-2, W-3, W-4 (Consolidated)
Contested Case Nos. W1-203 & W1-204

Byron Lewis, representing the Salt River Project, stated no objection to the additional stay period and requested that the schedule for threshold issues be extended also.

Riney Salmon, representing the San Carlos Irrigation and Drainage District (SCIDD), stated that they are currently in settlement negotiations. He suggested that the requested 30-day stay period be the final extension.

**As to Scheduling Dates Re Motion for Summary Judgment
Re Preclusive Effect of Globe Equity:**

IT IS ORDERED extending the time for responses in opposition to the Motion for Summary Judgment for 30 days, until 9-3-99 (rather than 8-2-99).

IT IS FURTHER ORDERED extending the time for any replies thereto for 30 days thereafter, until 10-4-99 (rather than 9-3-99).

**As to Scheduling Dates for Motions for Summary
Judgment on Other Agreements and Decrees (Threshold Issues):**

IT IS ORDERED extending the time for filing Motions to 9-3-99 (rather than 8-2-99).

IT IS FURTHER ORDERED extending the time for any responses to 11-1-99 (rather than 9-30-99).

IT IS FURTHER ORDERED extending the time for any replies thereto until 12-1-99 (rather than 10-29-99).

**As to the Status of Settlement Discussions Re San
Carlos Apache Tribe Water Rights Settlement:**

—
SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY
—

CLERK OF THE COURT
FORM R000A

June 29, 1999

HON. SUSAN R. BOLTON

P. Woods
Deputy

— W-1, W-2, W-3, W-4 (Consolidated)
Contested Case Nos. W1-203 & W1-204

Lee Storey, representing the City of Safford, stated that the City of Safford approved the final agreement last night. She also stated that the San Carlos Apache Tribe has passed a resolution approving the form of the agreement.

Patrick Barry, representing the United States, stated that the recommendations for the agreement have been approved. He stated that the Tribe will then deliver the agreement to the Secretary of the Interior.

Carlos Ronstadt, representing the City of Globe and BHP Copper, stated that they are currently preparing their objections to the proposed settlement.

Mr. Sparks stated that some of the claimants filing objections are not represented by counsel and expressed his concern that the parties are not receiving notice of their objections.

Oscar Garcia, representing the Clerk's Office, stated that as of this date, six objections have been filed by claimants not represented by counsel.

After discussion,

LET THE RECORD REFLECT that copies of the objections will be made by the Clerk's Office and will be available for Mr. Sparks to pick up on Friday, 7-2-99. Mr. Sparks agreed to send copies of said objections to the parties to the settlement and to counsel for all objectors.

As to Request for Technical Assistance from ADWR for the Santa Cruz Active Management Area:

Lee Storey, representing Rio Rico Properties, Rio Rico Utilities, City of Nogales, Amado Properties and Baca Float

—
SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY
—

CLERK OF THE COURT
FORM R000A

June 29, 1999

HON. SUSAN R. BOLTON

P. Woods
Deputy

— W-1, W-2, W-3, W-4 (Consolidated)
Contested Case Nos. W1-203 & W1-204
Water Company, reiterated the previous request that ADWR provide technical assistance in the Santa Cruz Active Management Area to prepare a simplified HSR.

Carlos Ronstadt, representing Inscription Canyon Ranch, advised the Court that they have met with Jan Ronald of ADWR and discussed strategies and resources to be committed.

Jan Ronald, representing Arizona Department of Water Resources (ADWR), suggested the concept of a pilot project to develop a process that is workable. She stated that a certain geographical area would be selected within the watershed. The users would then be cataloged and the issues defined.

Mr. Ronstadt stated that no intervention by the Court is needed at this time. They will continue to work with ADWR on this matter.

As to Motion to Set Discovery and Briefing Schedule Re the Effect of Globe Equity 59 Decree on the San Carlos Apache Tribe:

The Court suggested that it should determine the preclusive effect of the Globe Equity Decree on all parties at one time.

Anthony Fines, representing the Gila Valley Irrigation District (GVID), urged the Court to adopt their proposed briefing schedule.

Mr. Sparks stated that the effort to determine the preclusive effect conflicts with the current time table set in the Order for Special Proceedings and trial in the Globe Equity proceedings. He requested that the briefing schedule be set after the first of the year.

Mr. Barry requested that the parties be identified who

—
SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY
—

CLERK OF THE COURT
FORM R000A

June 29, 1999

HON. SUSAN R. BOLTON

P. Woods
Deputy

— W-1, W-2, W-3, W-4 (Consolidated)
Contested Case Nos. W1-203 & W1-204
will be potentially affected by any Globe Equity Decree ruling.
He stated that ADWR can provide a list of the Upper Valley
claimants.

The Court expressed its concern that there may be
parties who have not been noticed of this issue. Proper notice
must be given to all parties potentially affected by the Globe
Equity Decree.

Mr. Fines stated that 95% of the affected parties are
represented by he and Mr. Brown, counsel for the two irrigation
districts in the Upper Valley. He stated that there was no need
for additional notice to claimants that the Court intended to
rule on the preclusive effect of the Globe Equity Decree.

Mr. Sparks stated that there are many claimants
identified in the draft Preliminary HSR for the Upper Gila River
who will not have notice of this issue.

Mr. Barry stated that many parties to the decree have
diversions on the tributaries. He stated that a preclusive
effect ruling may affect the claims of these parties.

The Court stated that the other approximate 5% of the
parties not represented by the irrigation districts should be
given notice.

Cynthia Chandley, representing Phelps Dodge, requested
that this matter be limited to the parties in the Globe Equity
Decree only and not the tributaries. She stated that the rights
to the tributaries were dismissed in 1935.

Mr. Barry stated that the tributaries were not
dismissed or adjudicated by the Globe Equity Decree. He stated
that claimants in the Upper Valley not within the Globe Equity
Decree should be disclosed.

Mr. Fines suggested using the federal court's Globe

—
SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY
—

CLERK OF THE COURT
FORM R000A

June 29, 1999

HON. SUSAN R. BOLTON

P. Woods
Deputy

— W-1, W-2, W-3, W-4 (Consolidated)
Contested Case Nos. W1-203 & W1-204
Equity mailing list to notice potential claimants.

LET THE RECORD REFLECT that the Court will meet with ADWR to ascertain the status of the Upper Gila River HSR and ADWR's ability to identify claimants.

The Court instructed Mr. Fines to provide the Court and ADWR a copy of the Globe Equity mailing list. Mr. Fines is also instructed to advise the Court how and when the list was prepared.

IT IS ORDERED directing the parties to file their Rule 26.1 Disclosures (as modified in the Court's order for disclosure regarding the Gila River Indian Community) on all Globe Equity 59 Decree preclusion issues on 1-31-2000.

IT IS FURTHER ORDERED that simultaneous supplemental disclosures shall be filed 45 days thereafter.

The parties are instructed to utilize the same procedure as used in the GRIC disclosures for document control and numbering. There shall be no duplication of any document previously produced. Any previously produced document shall be identified consistent with the identification and numbering system set up for GRIC. The parties shall consult with the Special Master on the document format in advance of any filings.

LET THE RECORD REFLECT that the date for filing Motions for Summary Judgment will be set at a future hearing.

As to Mailing List Issues:

Special Master John Thorson advises the Court that 40% of the notices (approximately 10,000) have been returned from the San Carlos settlement mailing. He stated that he has had two meetings with ADWR to discuss past practices, better define the problem and identify possible solutions. He stated that a meeting is scheduled with the Steering Committee on 7-22-99 at

—
SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY
—

CLERK OF THE COURT
FORM R000A

June 29, 1999

HON. SUSAN R. BOLTON

P. Woods
Deputy

— W-1, W-2, W-3, W-4 (Consolidated)
Contested Case Nos. W1-203 & W1-204
9:00 a.m. at the offices of ADWR to discuss this issue.

Mr. Sparks stated that he will turn over the mailing returns for ADWR to use as a basis for updating the list.

As to Notice Issues Re the GRIC Preliminary HSR:

Ms. Ronald stated that the funding for such a massive mailing is a significant issue. She stated that other issues include resource commitment, statute interpretations and due process. She stated that ADWR had not reached a position on the notice required by statute.

IT IS ORDERED directing ADWR to file a statement of its position on the requirements for notice under A.R.S. § 45-256(H) of the GRIC Preliminary HSR to insure that adequate notice is given of the preliminary report, that it is sufficiently available for inspection by the water claimants and that provisions are made for adequate time to comment, on or before 8-16-99.

As to Status of Updating the San Pedro HSR:

Ms. Ronald expressed her concern that Issue No. 2 has not been decided which will make it difficult to reopen the HSR. She estimated that updating the HSR may take three to four years to accomplish. She stated that they may have to start over with new definitions, reviewing and adding new statements of claimants, field issues and data migration issues for a new Preliminary HSR and a new Final HSR.

IT IS ORDERED directing ADWR to file a statement of its position regarding revisions of the San Pedro HSR made necessary by HB 2276. ADWR is to advise whether the HSR may be revised or has to be redone in its entirety, an explanation for the 3 to 4 year estimate in light of its previous 18-month estimate, a proposed time table and ADWR's opinion whether this

—
SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY
—

CLERK OF THE COURT
FORM R000A

June 29, 1999

HON. SUSAN R. BOLTON

P. Woods
Deputy

— W-1, W-2, W-3, W-4 (Consolidated)
Contested Case Nos. W1-203 & W1-204
project should be undertaken now or await some future date, on
or before 9-15-99.

**As to Microfilm of Documents in the Southwest Cotton
Case:**

Special Master John Thorson advised that microfilmed records of the Southwest Cotton case are now available at the Records Management Division of the Arizona Department of Library, Archives and Public Records for purchase or microfilmed records can be viewed at the Arizona History and Archives Division.

**As to Request to Add Bill Tifft to W1-204 Mailing
List:**

Pursuant to request by Carlos Ronstadt,

IT IS ORDERED adding Bill Tifft to the Court-approved mailing list for W1-204.

LET THE RECORD REFLECT that the Special Master will compile and distribute the revised Court-approved mailing list for W1-204 after objections are filed on 7-1-99.

As to the Next Hearing Date:

IT IS ORDERED setting a **STATUS HEARING ON 8-24-99 AT 9:00 A.M.**, in this Division.

10:45 a.m. Court adjourns.

* * *

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 5-14-99. This is also the Court-approved mailing list for W1-

—
SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY
—

CLERK OF THE COURT
FORM R000A

June 29, 1999

HON. SUSAN R. BOLTON

P. Woods
Deputy

— W-1, W-2, W-3, W-4 (Consolidated)
Contested Case Nos. W1-203 & W1-204
203 and W1-204 (subject to revision after 7-1-99).