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SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY  
—

CLERK OF THE COURT  
FORM R000A

August 24, 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

9:05 a.m. This is the time set for a Status Hearing.  
Present are: Lauren Caster, Steve Wene, Mary Grier, Riney  
Salmon, Reed King, Mike Brophy, Cynthia Haglin, Robert Hoffman,  
John Schaper, Kevin Tehan, John Hestand, Rodney Lewis, Anthony  
Fines, David Brown, Brad Keogh, Lee Storey, Jan Ronald, Marilyn  
Cage, William Anger, John Weldon, Byron Lewis, Frederic Beeson,  
Bill Staudenmaier, Dawn Meidinger, Sally Worthington, Joe  
Padilla, Robin Fohrenkam, Paul Norman, Irval Mortensen, Gregg  
Houtz, James Callahan, Patrick Barry, Special Master John  
Thorson and Kathy Dolge.

Court Reporter Kim Myrick is present.

**As to Scheduling Dates for Motions for Summary  
Judgment Re Preclusive Effect of Globe Equity and Motions for  
Summary Judgment on Other Agreements and Decrees (Threshold  
Issues):**

The Court advises that the Gila River Indian Community  
(GRIC), Gila Valley Irrigation District (GVID) and the Franklin  
Irrigation District's (FID) Joint Motion for a Stay in the  
Proceedings in W1-203 has been granted in accordance with the  
parties' request by minute entry dated 8-20-99.

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LET THE RECORD REFLECT that the Court notes that it would not be inclined to grant any further continuances unless a settlement is reached.

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

Rodney Lewis, representing the Gila River Indian Community (GRIC), reported that substantial progress has been made. He stated that the agreements between the cities and towns as well as the south-side pumpers are progressing. He also stated that problems still exist with the Upper Gila Valley, Franklin Irrigation District (FID) and the San Carlos Apache Tribe. He further stated that parties are still on track for Senator Kyl's deadline of 9-30-99 for having negotiations completed and the legislation drafted for Congress.

Robert Hoffman, representing Central Arizona Water Conservation District (CAWCD), stated that a drafted stipulation to settle the federal litigation has been negotiated by the parties and he was optimistic about its approval.

John Weldon, representing Salt River Project, stated that major differences of opinions still exist on settlement issues. He stated that numerous issues that were originally unresolved, remain unresolved. For example, he stated that it has not been determined how this settlement will be funded. He stated that federal budget negotiations will have to take place on the appropriation procedure.

**As to Notice Issues on the Effect of Globe Equity 59 Decree on Claimants:**

The Court advises that it and the Special Master have met with the Arizona Department of Water Resources (ADWR) to

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discuss ADWR's ability to identify and notice Upper Valley claimants in this matter who are not already represented or who are not presently on the court-approved mailing list. The Court stated that it was determined the current ADWR mailing list is 40 percent inaccurate. The Court further stated that this is not a viable solution in light of the approaching deadlines.

Mr. Anthony Fines, representing the Gila Valley Irrigation District (GVID), stated that he has submitted to ADWR the federal court-approved mailing list for Globe Equity as well as the GVID current member list.

Mr. David Brown, representing the Franklin Irrigation District (FID), stated that he would be providing a list of current members shortly.

Patrick Barry, representing the United States, stated that they are requesting this information in order to formulate the scope of their Motion for Summary Judgment, not necessarily to require that notice be given to all parties. He stated that they are interested in any claims the members of the district may have previously filed or are currently pending, other than Globe Equity 59 Decree claims.

Jan Ronald, representing ADWR, stated that formulating such a list as requested by Mr. Barry may be possible. Mr. Barry will meet with ADWR to acquire the claimant information.

Special Master John Thorson stated that he is working with ADWR and the Steering Committee to recommend how to resolve the mailing list issue. He stated that he will prepare a draft report on the mailing list issue within the next three weeks.

**As to Briefing Schedule Re the Effect of Globe Equity  
59 Decree:**

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Mr. Fines requested the Court to set a briefing schedule on this matter.

After discussion with counsel,

IT IS ORDERED affirming that the parties 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 affirming that simultaneous supplemental disclosures shall be filed 45 days thereafter, on **3-16-2000**.

IT IS FURTHER ORDERED setting the deadline for filing the Motions for Summary Judgment Re Effect of Globe Equity 59 Decree on members of the FID, GVID and the San Carlos Apache Tribe on **5-26-2000**.

IT IS FURTHER ORDERED that response and reply times shall be determined under Pretrial Order No. 1 as follows: Responses shall be filed by **7-5-2000**; Replies shall be filed by **7-31-2000**.

**As to Status of Updating the San Pedro HSR:**

Mr. Barry requested that comments be allowed by the parties after ADWR files its report to the Court on 9-15-99.

IT IS ORDERED granting 30 days for the parties to file their comments on the September report from ADWR.

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**Re the San Carlos Settlement:**

The Court stated that the Special Master's interim report will indicate when the objections are due and a hearing date on any objections to the report will be set by minute entry.

9:50 a.m. Court adjourns.

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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 8-9-99. This is also the Court-approved mailing list for W1-203.

Also, a copy of this minute entry is mailed to all parties on the Court-approved W1-204 mailing list dated 8-19-99.