

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

06/11/2014

CLERK OF THE COURT
Form V000

HONORABLE MARK H. BRAIN

A. Melchert
Deputy

Contested Case No. W1-103

FILED: 06/12/2014

In re Subflow Technical Report,
San Pedro River Watershed

Contested Case No. W1-103

In re Revised Subflow Zone Delineation
Report for the San Pedro River Watershed
(April 2014) Prepared by the Arizona
Department of Water Resources

In re Salt River Project's Motion to Designate
Contested Case on Verde River Subflow

In re City of Cottonwood's Motion to Designate
Contested Case to Determine the Water
Rights of the Yavapai-Apache Nation

MINUTE ENTRY

By motion dated May 16, 2014, the Yavapai-Apache Nation moved to continue the August 28, 2014 hearing on the Verde River Motions, which the Court set through a minute entry dated May 9, 2014. The motion suggests that other parties wished to continue the entire hearing scheduled for August 28, 2014. The Court agrees that the hearings scheduled through the May 9, 2014 minute entry should take place at the same time. And because that hearing is being moved, it is appropriate to adjust the other deadlines in the May 9, 2014 minute entry. Accordingly, the motion to continue is GRANTED, and the May 9, 2014 minute entry is hereby SUPERSEDED in its entirety and REPLACED with the following:

On April 1, 2014, the Arizona Department of Water Resources ("ADWR") filed a Revised Subflow Zone Delineation Report for the San Pedro River Watershed ("the revised report"). The Court will give parties the opportunity to file objections concerning the revised report and will hold an initial hearing to consider future proceedings to resolve the objections.

The Court will also take up at the initial hearing the Salt River Project's Motion to Designate Contested Case on Verde River Subflow and the City of Cottonwood's Motion

to Designate Contested Case to Determine the Water Rights of the Yavapai-Apache Nation.

IT IS ORDERED that:

1. On or before **Wednesday, October 1, 2014**, parties may file objections concerning the revised report. Parties who share positions are encouraged to submit joint pleadings.

2. Objections shall be limited to the contents of the revised report and not renew matters previously considered.

3. Prior to filing objections, parties who expect to use expert technical or scientific witnesses to prepare objections shall arrange for their experts to meet and identify disputed and undisputed matters of fact and expert opinion related to objections. The meeting(s) shall be held without the presence of legal counsel. The meeting(s) shall not be recorded, and information discussed during the meeting(s) shall not be subject to discovery. Thereafter and prior to filing objections, legal counsel shall meet to attempt to resolve disputed matters of fact and expert opinion.

4. Affidavits or sworn declarations of expert witnesses submitted with objections shall be considered to be direct testimony in any evidentiary hearing that is held concerning the objections.

5. On or before **Wednesday, October 1, 2014**, ADWR shall also file its proposal (or list of proposals) for the next project(s) it believes it should undertake, now that it has completed the revised report.

6. The Court will consider future proceedings concerning the objections to the revised report and the foregoing motions of the Salt River Project and City of Cottonwood in a hearing to be held on **November 6, 2014 at 1:30 p.m. (MST)**¹ before:

The Honorable Mark H. Brain
Superior Court of Arizona
Courtroom 413, East Court Building
101 West Jefferson Street
Phoenix, Arizona 85003-2202
Tel. (602) 372-1141

¹ The Court recognizes that Special Master Schade has scheduled a conference for the morning of November 6, 2014 regarding the Aravaipa Canyon Wilderness Area. The Court has chosen the afternoon of November 6, 2014 as a convenience to out-of-town counsel, and because it may elect to preside over the morning conference if it appears appropriate to do so as the conference draws closer.

If you wish to appear telephonically, please follow these instructions:

1. Dial 1-877-820-7831.
2. Dial Participant Pass Code 2743132#.
3. For assistance, if needed, dial 1-800-485-0844 / option 2.

A copy of this order is mailed to all persons listed on the Court approved mailing lists dated January 9, 2014, for Contested Case No. W1-103 (Court) and the Gila River Adjudication, W-1, W-2, W-3, and W-4 (Consolidated).