

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

09/10/2020

CLERK OF THE COURT
Form V000

SPECIAL WATER MASTER SUSAN HARRIS

S. Ortega
Deputy

Contested Case No. W1-103

FILED: 09/30/2020

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

In re: San Pedro River Subflow Technical Report

Re: Pretrial Conference

MINUTE ENTRY

Courtroom CCB - 301

3:30 p.m. This is the time set for a telephonic pretrial conference before Special Water Master Susan Harris to address any procedural issues about the evidentiary hearing.

The following attorneys telephonically appear: William H. Anger for the Cities of Avondale, Glendale, Mesa, and Scottsdale; Kimberly R. Parks and Leandra Marshall observing for the Arizona Department of Water Resources (“ADWR”); Yosef Negose, Patrick F. Barry, Emmi Blades for the United States Department of Justice, Indian Resources Section; Sean T. Hood and Bradley Pew for Freeport Minerals Corporation; Rhett Billingsley for ASARCO; John D. Burnside for BHP Copper and Arizona Public Service Company; William L. Staudenmaier for Arizona Public Service Company;

Laurel A. Herrmann for San Carlos Apache Tribe; Jay Tomkus for Yavapai-Apache Nation and observing for the Pascua Yaqui Tribe; Mark A. McGinnis and Michael K. Foy for Salt River Project (“SRP”); Sara Ransom and William P. Sullivan for City of Sierra Vista and Pueblo Del Sol Water Company; Jenny Winker for City of Chandler; Megan Tracy for City of Tempe; Charles L. Cahoy for City of Phoenix; Carrie J. Brennan for Arizona State Land Department; Elias Ancharski for Arizona Water Company; David A. Brown for GVID, FID, and City of Cottonwood; Thomas L. Murphy for Gila River Indian Community; and Clyde P. Halstead for the City of Prescott;

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

Discussion is held regarding procedural issues including initial and final disclosure deadlines, potential witnesses, exhibits, and expert reports.

Mr. Hood states that he anticipates the trial will last one to two weeks. He anticipates that the first witnesses will be witnesses called by Arizona Department of Water Resources.

Ms. Brennan states that the Land Department does not intend to call any witnesses.

Ms. Parks advised that the ADWR has not designated witnesses yet.

Mr. McGinnis said that he expects that between five and ten witnesses will be closed. He suggested November 30, 2020 for disclosure statement. Unresolved are the rules about how direct testimony shall be handled.

Mr. Hood requests direct examination in addition to submission of expert reports into evidence subject to non-hearsay objections.

Mr. Burnside states that APS will be calling a witness and requests that a reasonable amount of direct examination should be allowed.

Ms. Herrmann said that the San Carlos Apache Tribe expects calling one or two witnesses.

Ms. Ransom said that the City of Sierra Vista and Pueblo del Sol will be calling one or two witnesses. She states that a November 30th date for disclosure is too late given anticipated discovery schedule.

Mr. Murphy states that the Gila River Community may call a rebuttal witness.

Further discussion is held regarding the evidentiary hearing and trial schedules. Counsel agree to the setting of another status conference before trial to further discuss procedural issues and scheduling matters.

Mr. Burnside states that given the discovery deadline he does not see a better date than the end of December 2020 for final disclosures.

4:03 p.m. Matter concludes.

LATER:

Disclosure Statements, expert reports and documents relied on by experts shall be exchanged by **October 16, 2020**

Rebuttal reports due **November 30, 2020**

Final disclosures due **December 30, 2020**

Discovery deadline **January 22, 2021**

Joint Pretrial Statement due **February 12, 2021**. The joint pre-trial statement shall consist of only a brief statement of each party's position and the information required by Rule 16(f)(2)(D) and (E) Arizona Rule of Civil Procedure.

Readiness Conference shall be held on **February 17, 2021 at 1:30 p.m.**

Instructions for telephonic participation:

Dial: 602-506-9695 (local)

1-855-506-9695 (toll free long distance)

Dial Collaboration (conference) Code 357264#

Information to attend the Readiness Conference on GoToMeeting will be emailed to the parties.

An expert's reports will be admitted into evidence upon an expert's affirmation that the report constitutes a true and accurate statement of his/her opinions and the expert adopts the report as the expert's opinion at the trial. Direct examination shall not extend beyond 60 minutes.

A copy of this order is mailed to all persons listed on the Court approved mailing list for Contested Case Number W1-103.