

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

4/6/17

CLERK OF THE COURT  
Status Conference: 4/6/17

SPECIAL MASTER SUSAN WARD HARRIS

T. DeRaddo  
Deputy

W1-11-2664

FILED: 4/10/17

In re Redfield Canyon Wilderness Area  
Contested Case No. W1-11-2664

W1-11-2664

In re the General Adjudication W-1, W-2, W-3,  
W-4 (Consolidated) of All Rights to Use Water in  
The Gila River System and Source

MINUTE ENTRY

Central Court Building – Courtroom 301

10:30 a.m. This is the time set for a Status Conference before Special Master Susan Ward Harris.

The following attorneys appear in person:

- Joseph Sparks on behalf of the Tonto Apache and San Carlos Apache Tribes
- Lee Leininger on behalf of the United States
- David Gehlert on behalf of the United States
- Edwin Slade on behalf of the Arizona State Land Department (Attorney General)
- Linnie Guins on behalf of the Arizona Attorney General's Office
- Sean Hood on behalf of Freeport Minerals
- Carrie Brennan on behalf of the State Land Department (Attorney General)
- Kimberly Parks on behalf of ADWR
- Janet Miller on behalf of ADWR
- Brian Heiserman on behalf of Freeport Minerals
- Shilpa Hunter Patel on behalf of Freeport Minerals
- Jeffrey Heilman on behalf of SRP
- David Brown on behalf of Bayless and Berkalew
- Patrick Sigl on behalf of SRP
- Mike Foy on behalf of SRP

- Susan Montgomery on behalf of the Pascua Yaqui Tribe and Yavapai-Apache Nation
- Ken Mahoney on behalf of BLM
- John Gaudio on behalf of U.S. Department of the Interior

The following attorneys appear telephonically:

- William Sullivan on behalf of the City of Sierra Vista
- Julia Kolsrud on behalf of the Tonto Apache Tribe and the San Carlos Apache Tribe

Court Reporter, Lydia Estrada-Gray, is present. A record of the proceedings is also made digitally.

The Court informs the parties that Judge Brain has requested a copy of the thumb drive.

The Court Notes that the Exhibit List is acceptable to the clerk of court.

The Court has received a copy of the parties' Joint Pretrial Statement and thanks the parties for meeting, conferring and submitting a detailed document.

Mr. Hood addresses the Court regarding the exhibit list format and requests that the Court adopt the same format in the upcoming SPRNCA matter.

Mr. Leininger addresses the Court regarding issues related to authenticity of the documents and suggests that the parties attempt to resolve similar issues prior to trial in the upcoming SPRNCA matter.

Discussion is held regarding the boundaries of Redfield Canyon. Mr. Leininger avows that a map was submitted to Congress in 1990 with the correct boundaries. The BLM has subsequently submitted a map in about 2014 using advanced technology; i.e., GPS technology.

Ms. Brennan addresses the Court regarding the boundaries of Redfield Canyon with respect to land that was acquired through the Nature Conservancy. Ms. Brennan asserts that the map that was submitted at the time was aspirational in nature only. Ms. Brennan further states that the position of the Arizona Attorney General's Office is that a Federal Reserve Water Right cannot be acquired on portions of this 600-acre parcel of land.

Mr. Foy addresses the Court regarding diversion issues in the 16 streams.

Discussion is held regarding the current detailed format of the Scheduling Order and whether the parties feel that this structure should be used for the upcoming SPRNCA matter.

Mr. Hood requests that this detailed, structured format with “dates certain” be used in SPRNCA. Mr. Foy with SRP agrees with Mr. Hood.

Mr. Gehlert agrees on the specificity of the process, but requests that additional time be worked into the schedule for the SPRNCA matter.

Discussion is held regarding adjudicating the State Law Claims for the same area after the upcoming trial.

The parties request time to consider this proposal.

Discussion is held regarding List of Claimants and Statements of Claimants.

10:48 p.m. Matter concludes.

LATER: The Readiness Conference set for April 20, 2017 is vacated.