

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

11/14/2003

CLERK OF THE COURT
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

R. Luiszer
Deputy

W-1, W-2, W-3, W-4(Consolidated)

FILED: December 4, 2003

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

MINUTE ENTRY

2:00 p.m. Present are the following: John Weldon and M. Byron Lewis representing Salt River Project, Anthony Fines representing Gila Valley and Franklin Irrigation Districts, Cities of Cottonwood and Sedona, and Towns of Camp Verde, Clarkdale, and Jerome, Lauren J. Caster representing ASARCO, Incorporated, Arizona Water Company and Tucson Electric Power Company, Rod Lewis and John Hestand representing Gila River Indian Community, Cynthia Haglin representing City of Chandler, William Anger representing Cities of Chandler, Glendale, Mesa, and Scottsdale, Joe P. Sparks, John Ryley, and Susan Montgomery representing San Carlos Apache Tribe, Tonto Apache Tribe, and Yavapai-Apache Nation (collectively, the "Apache Tribes"), Lee Storey representing City of Safford, Rio Rico Properties, Inc., and Paloma Irrigation and Drainage District, Janet Ronald from Arizona Department of Water Resources, Lee Leininger from the U.S. Department of Justice, M. James Callahan representing City of Phoenix, Tom Shedden, Kristi Jensen and Graham Clark representing the Arizona Attorney General's Office, L. William Staudenmaier representing Arizona Public Service and Roosevelt Water Conservation District, William Sullivan

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representing Bella Vista Water Company, Inc., Pueblo del Sol Water Company, Cortaro-Marana Irrigation District, City of Sierra Vista, and Town of Gilbert, Stanley Lutz representing BHP Copper Inc., Mark McGinnis and Rebecca Goldberg representing Salt River Project, Carrie H. Smith representing City of Goodyear, Michael J. Pearce representing Central Arizona Water Conservation District and Sally Worthington representing Maricopa County. Special Master, George A. Schade, Jr. and his assistant, Kathy Dolge, are present.

Court Reporter, Marmie Guimont, is present.

The Court has reviewed the Motions, Responses, and Replies submitted.

IT IS ORDERED denying the Motion to Continue/Deny Without Prejudice the Apache Tribes' Motion for Partial Summary Judgment Regarding Full Appropriation of the Gila River Stream Adjudication.

IT IS ORDERED denying the Motion to Strike Cross Motion for Partial Summary Judgment Re Declaration of Full Appropriation.

Argument supporting the Motion for Partial Summary Judgment for Declaration of Full Appropriation in Gila River Stream Adjudication is presented by Joe Sparks, Mark McGinnis, and John Hestand.

Argument opposing the Motion is presented by Lauren Caster, William Anger, Michael Pearce, and William Staudenmaier. Anthony Fines, James Callahan, William Sullivan, and Stan Lutz state they have nothing to add to the argument presented.

Argument supporting the Motion for Order Directing the Arizona Department of Water Resources to Implement Listed Statutes is presented by Joe Sparks, Mark McGinnis, and John Hestand. Jan Ronald responds to the Court after each speaker.

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Opposing argument to the Motion is presented by William Staudenmaier and James Callahan. William Anger, William Sullivan, and Anthony Fines state they have nothing to add to the argument presented.

Lauren Caster responds to questions from the Court. William Sullivan makes statements to the Court.

LET THE RECORD REFLECT the matters are taken under advisement.

4:45 p.m. Hearing concludes.

* * * *

A copy of this minute entry is mailed to all parties on the Court-approved W-1, W-2, W-3, W-4 mailing list dated October 6, 2003.