

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

2/20/2008

CLERK OF THE COURT
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

L. NEVENHOVEN
Deputy

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

COPY

Contested Case No. W1-11-1174
(Consolidated)

FILED: **March 10, 2008**

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

In re PWR 107 Claims Consideration
of Special Master's Partial Report

MINUTE ENTRY

2:02 p.m. This is the time set for Oral Argument regarding objections on the Special Master's recommendations in his Partial Report Concerning Public Water Reserve No. 107 Claims of the United States of America in the San Pedro River Watershed filed June 12, 2007. Telephonically present is: Lisa M. McKnight on behalf of Salt River Project. Present are: Wayne D. Klump on his own behalf; Matthew Klump on his own behalf; H. Thomas Hendrickson, Jr. on his own behalf; Michael Mercer on his own behalf; R. Lee Leininger on behalf of the United States Department of Justice; David A. Brown on behalf of Arizona Cattle Growers Association; William H. Anger on behalf of the Cities of Chandler, Glendale, Mesa, and Scottsdale; Janet L. Ronald on behalf of the Arizona Department of Water Resources; Gregory L. Adams on behalf of ASARCO, LLC; Douglas C. Nelson on behalf of several claimants who have designated themselves the Lower Gila Water Users; Jenny J. Pelton on behalf of Phelps Dodge Corporation; Patrick B. Sigl on behalf of the Arizona Attorney General's Office; M. James Callahan on behalf of the City of Phoenix; Marilyn D. Cage on behalf of the City of Goodyear; and Cynthia J. Haglin on behalf of the City of Chandler.

Court Reporter, Amy Stewart, is present.

A recording of this proceeding is being made by CD (FTR) in addition to a court reporter.

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Ms. Ronald notifies the Court that the Arizona Department of Water Resources has submitted recommendations that have been adopted.

Mr. Klump addresses the Court with his objection of lack of due process regarding notification of proceedings.

Mr. Goff is not present to present his objection to the Court.

Mr. Matthew Klump addresses the Court regarding issues not before this Court.

Mr. Hendrickson, Mr. Mercer, and Mr. Brown on behalf of the Arizona Cattle Growers Association address the Court regarding their objections to the report.

Mr. Leininger addresses the Court and the parties to discuss the recommendations and how they will or will not affect the water rights of those currently exercising them.

Mr. Klump addresses the Court with regard to the previously held discussions.

IT IS ORDERED taking this matter under advisement.

3:02 p.m. Matter concludes.

LATER:

On February 20, 2008, the Court heard argument on various objections to the recommendations contained in the Partial Report of the Special Master Concerning Public Water Reserve No. 107 Claims of the United States of America in the San Pedro Watershed (the "PWR 107 Report").

Objections to the PWR 107 Report were filed by Wayne D. Klump, Charlie Goff on behalf of Goff Ranches, H. Thomas Hendrickson Jr. of YLE Ranch, and Michael Mercer. Despite the argument of the objectors, the Court finds that approval of the PWR 107 Report recommendations will not adversely affect any substantive water right held by those opposing approval or any potential senior water right claimant. Accordingly,

IT IS ORDERED:

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1. Approving the PWR 107 report and adopting the recommendations contained therein including the amendments submitted by the United States.
2. Directing the Special Master to lodge and serve a revised form of order prior to March 21, 2008. Any objections to the amended form of order shall be filed and lodged with the Court prior to April 4, 2008.

A copy of this order is mailed to all parties on the Court-approved mailing lists for Contested Case No. W1-11-1174 (Consolidated) and W-1, W-2, W-3, and W-4 (Consolidated) dated January 28, 2008.