

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

03/08/2005

CLERK OF THE COURT
FORM V000

**GEORGE A. SCHADE, JR., SPECIAL
MASTER**

T. A. Pavia/M. L. Smith

**CONTESTED CASE NO. W1-11-1174
(Consolidated)**

FILED: March 30, 2005

**IN RE THE GENERAL ADJUDICATION OF
ALL RIGHTS TO USE WATER IN THE
GILA RIVER SYSTEM AND SOURCE**

IN RE PWR 107 CLAIMS

9:05 a.m. This is the date and time set for a Status Conference. Present are Janet L. Ronald and Richard Burtell for Arizona Department of Water Resources, R. Lee Leininger for U.S. Department of Justice, Mark A. McGinnis for Salt River Project, James Callahan for City of Phoenix, Charles Cahoy for City of Mesa, Cynthia Haglin for City of Chandler, William H. Anger for Cities of Chandler, Scottsdale, Mesa and Glendale, William P. Sullivan for City of Sierra Vista, Lauren J. Caster and Thomas Wilmoth for ASARCO Inc. and Arizona Water Company, Graham M. Clark, Jr., Assistant Attorney General for Arizona State Land Department, L. William Staudenmaier for APS, Phelps Dodge Corp and RWCD, John Ryley for San Carlos Apache Tribe, and Dan Haws for Fort Huachuca. Also present is Kathy Dolge, Judicial Assistant.

Court Reporter, Patty Connolly, is present.

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The Court has reviewed the United States' status report filed November 30, 2004. Mr. Leininger reports that stipulations and proposed abstracts have been returned from all parties except the City of Sierra Vista, San Carlos Apache Tribe, and the State of Arizona. Mr. Clark states they have been unable to find any objections filed on behalf of the State Land Department or Game and Fish Department and he states for the record the State has no objections to these claims. Mr. Sullivan states he has been authorized to execute the stipulation on behalf of the City of Sierra Vista and will submit a letter of understanding to be a part of that stipulation. When the stipulations are presented to the Court, the United States will avow its understanding of its precedential value. If any party objects, the Special Master will rule on that objection.

Mr. Ryley states San Carlos Apache Tribe the location of any of the springs is within the San Carlos Indian Reservation.

Discussion follows and ADWR advises the Court the Department can plot the GPS locations and provide a USGS topographical map showing the reservation boundary.

The United States is directed to provide the location of the 30 springs and the GPS information by March 31, 2005, to ADWR. ADWR will then review that data and check the boundary of the reservation and provide that information by May 16, 2005, with a copy to the court and to the other parties.

Jim Callahan, City of Phoenix, expressed a concern that reservation boundaries may be an issue on other claims. The Special Master advised the issue of the boundaries is limited to the purpose of a stipulation on these objections only.

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R. Lee Leininger advised the Court that the Bureau of land Management will provide the GPS data regarding all of the sources to ADWR, San Carlos Apache Tribe, and informally to any other party, by March 31, 2005.

The Court assures the parties that the use of GPS data is solely for the purpose of this contested case and will not be precedential for all future contested cases. The stipulated abstracts are what will be included in the decree, not the GPS coordinates. As part of resolving this matter there will be an additional document in the file showing the GPS information.

ADWR has until May 16, 2005, to file its report to the Court with a map showing the reservation boundaries and the location of the thirty sources of water.

Discussion is held regarding the status of Wilford H. Claridge's property. Mr. Claridge still holds three claims in the San Pedro River Watershed.

A list of names and addresses of lessees, allottees, and permittees had been ordered to be submitted to ADWR by U.S. ADWR will check to see if that has been provided to them.

The Court encourages the parties to communicate freely with each other to attempt to settle this matter.

10:10 a.m. Matter concludes.

A copy of this minute entry is mailed to all parties on the Court-approved W1-11-1174 mailing list dated October 21, 2004.