

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

05/09/2019

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

A. Hatfield

Deputy

In re: St. David Irrigation District
Contested Case No. W1-11-1675

FILED: 06/10/2019

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

In re: Status Conference

MINUTE ENTRY

Courtroom: CCB 301

The following attorneys and parties appear in-person: David Brown and L. William Staudenmaier on behalf of the St. David Irrigation District ("District"); John Burnside on behalf of BHP Copper f.k.a Magma Copper and the District; Charles Cahoy on behalf of the City of Phoenix; Mark McGinnis on behalf of Salt River Project; and Joe Sparks on behalf of San Carlos Apache Tribe and Tonto Apache Tribe.

The following attorneys and parties appear telephonically: Alexandra Arboleda on behalf of City of Tempe; Anthony Merrill on behalf of the District; Kimberly Parks on behalf of AZ Department of Water Resources; Bradley Pew on behalf of ASARCO, and Jay Tomkus on behalf of Pascua Yaqui Tribe and Yavapai-Apache Nation.

Discussion is held regarding the Court-Approved Mailing List and the issue of the identification of all people who use irrigation water supplied by the District. At this point the mailing list still has the names of more than 50 people.

Mr. Brown states that the District represents any person in the District that is using District irrigation water with respect to that irrigation water. The District does not represent people with respect to other claims for water such as a claim for water from a domestic well. The District has filed a statement of claimant on behalf of those persons who use District irrigation water. He advised the Court that to create a complete list of all persons, the District has sent out notices and gone door-to-door and will continue to

make efforts to locate all person. He requested that the court send out a notice to all persons remaining on the mailing list and ask that they notify the Court that they want to remain on the mailing list. Mr. Brown does not want the cases to be dismissed.

Mr. Staudenmaier states that the District has a statutory right to represent all water users within the boundaries of the District. He does not want cases to be separated from this contested case or dismissed at this point but he does want the mailing list to be limited to those persons interested in receiving notice. The difficulty in the identification of all parties is that there are people within the district boundaries who have been taxed but who have not used irrigation water supplied by the District. At a point in the future the District will be able to identify those people who have not been using water.

The Court inquired whether the parties had an objection if the Court were to request that parties who wanted to be retained on the mailing list notify the Court and the Court will issue a minute entry advising all parties of the names of the people who have requested to be retained on the mailing list. No party objected.

Mr. Brown suggested that the parties be given 45 to 60 days to respond to the Court's order.

Mr. Brown proposed that this case only include irrigation claims and will not adjudicate the domestic and stock watering claims. He proposed that by June 30, 2019, the parties file a litigation schedule and by July 31, 2019, the parties file initial disclosure statements and that a status conference should be set in mid-August 2019.

Further discussion is held regarding a proposed litigation schedule, disclosure statements and scheduling a status conference.

Mr. McGinnis agrees with the dates proposed by Mr. Brown. He states that Case Information Reports not as necessary now that Disclosure Statements are required by the rules of civil procedure.

Mr. Sparks said that each party has unique priority dates for irrigation which may predate the District's claim in the 1930s and will need to show which land was irrigated. The District's boundaries may have changed by the annexation of the local ditch. Mr. Sparks says that it is important to know the boundaries of the District and to know the names of the landowners parcel by parcel. He also should not be required to file a Disclosure Statement until he has information about each parcel and the information about the claims for each parcel. He also said that everyone in the District must continue to be given notice.

Mr. Sparks indicates that a map of the boundaries of the District would be helpful.

Mr. Sparks also said that everyone should stay on the mailing list because cannot adjudicate claims for people who are not on the mailing list. He also stated that it would be burdensome on the landowner to first adjudicate all irrigation water rights related to the St. David Irrigation District and then to adjudicate all other claims made by a landowner on a case by case basis. Mr. Sparks proposes that all rights for each landowner should be done in the same proceeding.

Mr. Brown informs the Court that Exhibit B to the Statement of Claimant that was filed with ADWR has the District's exterior boundaries, which include the Pomerene properties.

The Court inquires if the map that shows the District boundaries could be overlaid with maps from ADWR. Discussion is held.

IT IS ORDERED that Initial Disclosure Statements will be due on **July 31, 2019**.

IT IS FURTHER ORDERED that ADWR map the WFR boundaries within the exterior boundary of the St. David Irrigation District by **July 15, 2019**.

IT IS FURTHER ORDERED setting a Status Conference on **August 15, 2019** at 1:30 p.m. in the Maricopa County Superior Court, Courtroom 301, Central Court Building, 201 West Jefferson Street, Phoenix, Arizona 85003.

Instructions for telephonic appearance:
Dial: 602-506-9695 (local)
1-855-506-9695 (toll free long distance)
Dial Participant Pass Code 357264#

The Court will take no action with respect to the fifty names on the mailing list. The parties will continue to provide copies of filed documents to those individuals.

2:16 p.m. Matter concludes.

A copy of this order is mailed to all persons listed on the Court-approved mailing list.

LATER:

St. David Irrigation District shall file a proposed litigation schedule **by June 28, 2019**. Any party not in agreement with the proposed schedule shall file its proposed schedule by **July 15, 2019**.

On April 19, 2019, St. David Irrigation District filed an amended Statement of Claimant. Attached as Exhibit B to the Statement of Claimant is a map of the exterior boundaries of the St. David Irrigation District, as represented by the St. David Irrigation District. By **July 15, 2019**, ADWR shall prepare a map which shows the boundaries of

the land included in each watershed file report that is also included in whole or in part within the exterior boundaries of the St. David Irrigation District. The boundaries of each watershed file report shall be the same as the boundaries shown in the maps in Volume 9 of the San Pedro HSR. The map shall also include the exterior boundaries of the St. David Irrigation District as shown in its amended Statement of Claimant.

In October 2017, ADWR prepared a set of 12 maps of the lands served by the St. David Irrigation District that identified the tax parcels within the 112-17 WFR boundaries. A copy of the maps can be found on the General Adjudication website given below under this case number for this contested case.

<http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudication/whatsNew.asp>

By **July 15, 2019**, ADWR shall submit a report which advises whether the set of 12 maps includes all land within in the exterior boundaries of the St. David Irrigation District. If the set of 12 maps do not include all of the land within the exterior boundary of the St. David Irrigation District, then ADWR shall identify those watershed file reports for which a map was not prepared as part of the set of 12 maps.