

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

05/20/2021

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN WARD HARRIS

A Parmar
Deputy

FILED: May 27, 2021

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

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

Central Court Building – Courtroom 301

2:00 p.m. This is the time set for a Scheduling Conference before Special Water Master Susan Ward Harris.

The following attorneys appear via Court Connect/Microsoft TEAMS:

- Mark McGinnis and Mike Foy of behalf of Salt River Project (“SRP”)
- Sean Hood on behalf of Freeport Minerals
- David Brown and William L. Staudenmaier of behalf of St. David Irrigation District
- Kimberly Parks on behalf of Arizona Department of Water Resources (“ADWR”)
- Joe Sparks and Laurel Herrmann on behalf of San Carlos Apache Tribe
- John Burnside of behalf of BHP Copper and St. David Irrigation District
- Charles Cahoy on behalf of the City of Phoenix
- Thomas Murphy on behalf of Gila River Indian Community
- William H. Anger on behalf of City of Mesa
- Patrick F. Barry and R. Lee Leininger on behalf of the U.S. Department of Justice, Indian Resources Section.
- Bradley Pew on behalf of American Smelting and Refining Company (“ASARCO”)

- Jay Tomkus of behalf of Yavapai Apache Nation (and observing on behalf of Pascua Yaquai Tribe)
- Kimberly Parks observing on behalf of Arizona Department of Water Resources (“ADWR”)
- Lauren Mulhern on behalf of Tonto Apache Tribe

Discussion is held regarding the process of resolving the claims and objections filed to watershed file reports in this consolidated case following the completion of the first phase of the case.

No objection is stated to the proposed schedule in Mr. Brown’s motion.

IT IS ORDERED that Mr. Brown file his motion regarding issue #3 by **August 1, 2021**, Responses must be filed by **September 10, 2021**, and Replies filed by **September 30, 2021**.

2:29 p.m. Matter concludes.

LATER:

Almost two years ago, the St. David Irrigation District proposed that the first phase of this case focus on three issues. Two issues have been resolved by agreement and by motions. This minute entry concerns the remaining issue that has been referenced as the identification of the points of diversion. Minute Entry at 3 (August 21, 2019). In its 2019 filing, the St. David Irrigation District described the issue as follows:

Points of Diversion - SDID serves irrigation water demands within the District’s boundaries through a limited number of points of diversion, including both canals/ditches and wells. These points of diversion will apply to the District’s water deliveries to all landowners within the District

St. David Irrigation District’s Proposed Initial Litigation Schedule at 3 (June 27, 2019).

The parties have actively worked to resolve the point of diversion issue. In a motion filed seven months ago, five parties, with the concurrence of another four parties, requested that the dispositive motion deadline be extended to allow additional time for negotiation. In that motion, the parties described the point of diversion issue as follows:

The third issue – regarding points of diversion – will address SDID’s position that wells drilled within the district that pump subflow of the San Pedro River may serve as supplemental or replacement points of diversion for surface water appropriated and used by the District and its members.

Stipulated Motion to Extend Dispositive Motion Deadline at 3 (October 8, 2020).

On March 12, 2021, a second extension request was granted based on the representations that the parties were still working on the resolution of the points of diversion issue. On April 29, 2021, St. David Irrigation District advised that the points of diversion issue could not be resolved by an agreement among the parties and proposed a schedule for filing dispositive motions. At the May 20, 2021 Scheduling Conference, the proposed schedule was approved. By August 1, 2021, St. David Irrigation District shall file a motion for partial summary judgment to determine the points of diversion for appropriable water claimed by the St. David Irrigation District and on behalf of its members. The motion, responses, and replies shall conform to Ariz. R. Civ. P. 56.

Oral argument on the motion shall be held on **October 14, 2021** at **1:30 p.m.** in the Superior Court of Arizona, Central Court Building, Courtroom 301, 201 West Jefferson Street, Phoenix, AZ 85003-2202.

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