

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

02/08/2019

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

A. Hatfield

Deputy

In re: Magma Copper – De Minimis
Contested Case No. W1-11-2421

In re: Magma Copper – Mining
Contested Case No. W1-11-2428

In re: Magma Copper – Irrigation
Contested Case No. W1-11-2503

FILED: 02/14/2019

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

11:00 a.m. This is the time set for a Status Conference before Special Master Susan Ward Harris.

The following attorneys appear in-person: David Brown and J. Albert Brown on behalf of St. David Irrigation District; John Burnside and Farcis Gilman on behalf of BHP Copper (BHP) f.k.a. Magma Copper; Rhett Billingsley and Bradley Pew on behalf of ASARCO; and Mark McGinnis, Patrick Sigl and John Weldon on behalf of Salt River Project.

The following attorneys appear telephonically: Charles Cahoy on behalf of City of Phoenix; Kimberly Parks on behalf of AZ Department of Water Resources; Joe Sparks on behalf of San Carlos Apache Tribe and Tonto Apache Tribe; Jay Tomkus on behalf of Pascua Yaqui Tribe and Yavapai-Apache Nation; Shelly Cutts on behalf of City of Tempe; and Thomas Murphy on behalf of Gila River Indian Community.

Court reporter, Crystal Hereford, is present and a record of these proceedings is made digitally.

Mr. Burnside advises the Court that BHP Copper has concluded that the Watershed File Reports at issue in this case are the correct ones and that the Amended Statements of Claimants (SOCs) have been timely filed with Arizona Department of Water Resources. He states that ADWR was concerned about the difference in the name of the entity between Magma Copper Company and BHP Copper, and that ADWR requested that BHP file assignment forms to assign the SOCs from Magma Copper to BHP Copper. Mr. Burnside further states that this was merely a name change from Magma Copper to BHP Copper so there was no transfer for which there could be an assignment. Discussion is held.

IT IS ORDERED directing BHP to file a copy of the corporate minutes approving the name change and a certified copy of the corporate document filed with the Arizona Corporation Commission approving the name change by **February 22, 2019**. The Court will issue a minute entry authorizing ADWR to accept BHP's filings. BHP shall distribute copies of the amended SOCs to the parties.

Further discussion is held regarding the substantial changes to the SOCs.

IT IS FURTHER ORDERED that ADWR shall confirm the location of the wells and file a report concerning the location of the wells included in the Amended Statements of Claimant by **March 8, 2019**.

Mr. Burnside addresses a group of SOCs that BHP chose not to amend because the SOCs pertained to stockponds that are covered in the *de minimis* case. He states that the stockponds are essentially in the same configuration as they were when the SOCs were originally filed.

The Court inquires if BHP believes an amended Watershed File Report be filed.

Mr. Burnside states that an amended Watershed File Report should be filed because the changes are significant and there is evidence of new usage.

Mr. Burnside further states that SOC 39-3169 is not included in any WFR for Magma Copper. He is not sure if this SOC should be included in this case or not. He proposes to conduct an investigation of the location of the SOC and provide a report at the next status conference.

IT IS FURTHER ORDERED setting a Status Conference on **March 22, 2019** at 9:00 a.m. The parties will be expected to have reviewed the SOCs, the well report from ADWR, and be prepared to discuss the issue of whether the WFRs need to be amended or not.

11:27 a.m. Matter concludes.

A copy of this order is mailed to all persons listed on the Court approved mailing list for Contested Case Nos. W1-11-2421, W1-11-2428 and W1-11-2503.