

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: Pima County Flood Control District
Contested Case No. W1-11-2690

FILED: 02/25/2019

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

11:28 a.m. This is the time set for a status conference before Special Water 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; Bradley Pew on behalf of ASARCO; Michael Foy, Patrick Sigl and John Weldon on behalf of Salt River Project; Michael LeBlanc on behalf of Pima County Flood Control District; and Carrie Brennan and Kevin Crestin on behalf of Arizona State Land Department.

The following attorneys and parties appear telephonically: Charles Cahoy on behalf of City of Phoenix; Kimberly Parks on behalf of AZ Department of Water Resources; and Joe Sparks on behalf of San Carlos Apache Tribe and Tonto Apache Tribe (Tribes).

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

Mr. LeBlanc represents that the parties have been engaged in settlement discussions. All objections have been conditionally resolved except for chain of title

issue raised by the Tribes. Mr. LeBlanc provides the Court with copies of the proposed abstracts at the Court's request.

Mr. Sparks states that the Tribes do not object to Pima County Flood Control District being the named land owner pursuant to the records of the State but they are not certain that Pima County is the appropriate claimant going back to the priority date without a chain of title. Discussion is held.

The Court notes that there are five *de minimis* claims. Four abstracts have been prepared and one abstract needs to be distributed for corrections. The Court inquires if there is anything else outstanding other than the irrigation claim and the small reservoir use.

Mr. LeBlanc states that there is one issue that still needs to be addressed by the District. Watershed File Report 113-12-BA-013 has not been consolidated with this case. Mr. LeBlanc makes an oral motion to consolidate WFR 113-12-BA-013 into this contested case because Pima County Flood Control District owns a remainder interest in the land included in WFR 113-12-BA-013.

IT IS ORDERED consolidating WFR 113-12-BA-013 into this case.

IT IS FURTHER ORDERED directing Mr. Sparks to file a report by **February 19, 2019** on the status of settlement discussions.

11:50 a.m. Matter concludes.

LATER:

IT IS ORDERED staying further proceedings on the irrigation and small reservoir claims but not the *de minimis* issues until the resolution of the case *In re Luebbermann*.

A copy of this order is mailed to all persons listed on the Court approved mailing list for Contested Case No. W1-11-2690.