

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

Date 12/17/2019

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

A. Hatfield

Deputy

In re: Wallace
Contested Case No. W1-11-3323

FILED: 01/06/2020

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

1:16 p.m. This is the time set for a Status Conference for the purpose of determining whether the objections to the claims to water rights can be resolved.

The following attorneys and parties appear in-person: Michael Foy and John Weldon on behalf of Salt River Project (“SRP”); and Jay Tomkus and Susan Montgomery on behalf of Pascua Yaqui Tribe and Yavapai-Apache Nation.

The following attorneys and parties appear telephonically: Amy Brown on behalf of landowners: Fred Miller, and Julia Pemberton and Holly Pemberton, trustees; John Burnside on behalf of BHP Copper; Lucas Christian on behalf of Tonto Apache Tribe; Laurel Herrmann and Joe Sparks on behalf of San Carlos Apache Tribe; Kimberly Parks on behalf of Arizona Department of Water Resources; Mark Holycross on behalf of the U.S. Army; and Bradley Pew on behalf of ASARCO.

Court reporter, Marylynn Lemoine, is present and a record of these proceedings is made digitally.

Ms. Brown updates the court on the status of the proposed abstracts. A revised stipulation, proposed order, and proposed abstracts were emailed to all of the objecting parties on December 11, 2019.

Ms. Brown states that the revisions were made after receiving comments from a number of the objectors. Ms. Brown further states that a couple of the objectors have

approved the revised stipulation, and that ASARCO has requested additional time to review the objections that were originally filed against the watershed file report (“WFR”).

The Court inquires of Ms. Brown if the amount of acreage or water claimed in the abstracts differed from the amounts in the WFR.

Ms. Brown states that the amount of the irrigated acreage and claimed volume are different than what was reported in the WFR. The Court notes that it looks like Ms. Brown’s clients are claiming more water than the amount included in the WFR’s proposed water rights. Ms. Brown confirms that her clients are claiming more for reasons stated on the record.

Mr. Tomkus and Mr. Christian state that it is likely that they will reach a stipulation. Mr. Foy indicates that SRP has agreed to the revised proposed abstracts and the stipulation.

Mr. Sparks reports that the San Carlos Apache Tribe have not yet agreed to the proposed stipulation as they have a couple of issues it relates to quantity and assignment of the original claim. The Tribe also has a question regarding the transfer of a portion of an Apache allotment to the original claimed owner as there is nothing in the record to support that transfer of title of the allotted lands to the original owner.

Mr. Burnside reports that BHP Copper will agree to the revised stipulation and abstracts proposed by Ms. Brown.

Mr. Pew states that ASARCO has submitted some comments to Ms. Brown and believes that a stipulation is likely on their end.

Discussion is held regarding the assignment which was signed by the assignee but not the assignor. Ms. Parks suggests that the current landowner file a new SOC in the absence of an assignment of the existing SOC.

IT IS ORDERED that Mr. Sparks is to provide Ms. Brown with the objections within ten days.

IT IS FURTHER ORDERED that Ms. Brown either file a stipulated abstracts or file a status report by **January 31, 2020**.

1:31 p.m. Matter concludes.

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