

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

7/10/2024

CLERK OF THE COURT
S. Ortega
Deputy

SPECIAL WATER MASTER
SHERRI ZENDRI

In Re: San Pedro Riparian National Conservation Area State Claims
Contested Case No. W1-11-232

FILED: 7/16/2024

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

10:00 a.m. This is the time set for a virtual Status Conference before Special Water Master Sherri Zendri to discuss comments and objections to abstracts.

A record of the proceedings is made digitally in lieu of a court reporter.

The following parties/counsel appear virtually and/or telephonically:

- Dave Gehlert for the United States Department of Justice (US)
- Katrina Wilkinson for the Salt River Project (SRP)
- Joe Sparks for San Carlos Apache Tribe
- Karen Neilson for the Arizona Department of Water Resources (ADWR)
- John Burnside for BHP Copper
- Rhett Billingsley for ASARCO
- David Brown for Echoing Hope Ranch and observing for St. David Irrigation District
- Phillip Londen for Pueblo Del Sol Water Company
- Sunshine Manuel for Gila River Indian Community
- Charles Cahoy for City of Phoenix
- Kirsten Copeland for City of Sierra Vista

- Kent Millward for Tonto Apache Tribe
- Katya M. Lancero for the Navajo Nation

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The Court received the Motion to Continue Status Conference from Arizona State Land Department, however due to the holiday last week and staff being out it was received too late to postpone the meeting.

LET THE RECORD REFLECT that Arizona State Land Department was not available for today's Status Conference.

The Court addresses the parties' comments concerning the previous draft abstracts and discrepancies with respect to the US' place of use versus what was on the basis of right. A final decision on how to move forward was pending on Judge Blaney's ruling regarding the jurisdiction of severance and transfers. Judge Blaney ruled that the severance and transfer jurisdiction remains with ADWR until such time as there is a final decree. If the US wishes to have a place of use other than what is in the basis of right, they need to go through the ADWR severance and transfer process.

Comments and objections are discussed regarding the proposed abstracts affected by Judge Blaney's ruling.

The abstracts at issue are as follows and will need to go through the severance and transfer process if the US wishes to have a point of use different than what is on the basis of right.

111-20-032-WL001
111-20-032-WL002
111-20-032-WL003
111-20-032-WL005
111-20-032-WL008

Abstract No. 111-20-032 WL009 was an abstract that SRP specifically stated they did not have an objection to. SRP confirms. Abstract 112-17-063 SW001 has an issue regarding the priority date.

ASARCO believes that abstract 111-20-32-DM002 has a discrepancy between the proposed legal descriptions and that which was claimed in the statements of claimant. The Court understands that those were just typos for that particular abstract. The US also assumes those were typos but has not been able to confirm it with the client.

Further comments are made as to abstract 111-20-32-DM002 regarding sub flow and basis of right.

Discussion is held on the comments regarding the US' numbering and wildlife watering. Specifically, 1123-AA-001-IR093 is an irrigation suffix that needs to be resolved. For example, is it for irrigation or for wildlife watering?

As to the comments regarding basis of use and statement of claim being processed by ADWR, more information is needed.

As to the comments regarding quantity, the Court requires that the approved *de minimis* amount is referenced.

The Court directs that the US make the required changes to the abstracts and submit the revisions to the Court within sixty (60) days. The Court will then make the final determinations based on the parties' comments.

Discussion is held regarding the abstracts that were attached to the Court's May 10, 2024, order. Some of the comments that were not addressed are of concern to ASARCO; specifically an inappropriate basis of claims for the abstracts. For example, as to abstract 111-24-CCB-11-WL001, the only basis of right of claim is a *pending* instream flow application before ADWR and all of the statements of claimant listed are related to instream flow which ASARCO believes is an inappropriate basis for the *de minimis* water right that is claimed. ASARCO would like the US could coordinate with the parties before submitting the updated abstracts to the Court.

Discussion is held regarding the Court's September calendar.

The US requests to have until September 24, 2024, to file the abstracts so that they may have time to confer with the other parties prior to the filing. The US will submit to the Court all abstracts with no further objections and provide a status report that defines any remaining issues requiring intervention from the Court. Without objection from any other parties,

IT IS ORDERED that the US shall file the updated abstracts, based upon the comments already provided by the parties, no later than **September 24, 2024**. The US will confer with parties; however no additional comments will be formally requested. The US will also provide a status report that outlines the remaining issues for the abstracts that were not agreed upon.

10:31 a.m. Matter concludes.