

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

8/22/2022

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN WARD HARRIS

T. DeRaddo
Deputy

In re: Magma Copper Company
Contested Case No: W1-11-2394

In re the General Adjudication of
All Water Rights to Use Water in the
Gila River System and Source
W-1, W-2, W-3, W-4 (Consolidated)

FILED: 8/29/2022

In re: Scheduling Conference

MINUTE ENTRY

Courtroom CCB - 301

2:30 p.m. This is the time set for a virtual/telephonic Scheduling Conference before Special Water Master, Susan Ward Harris.

The following attorneys appear virtually/telephonically via Court Connect/Teams.

- Mark McGinnis on behalf of Salt River Project
- John Lemaster on behalf of Resolutions Copper and Mining, LLC
- Kimberly Parks and Kome Akpolo on behalf of ADWR
- Christina Jovanovich on behalf of ASARCO
- Richard Palmer on behalf of the Tonto Apache Tribe
- Robin Interpreter on behalf of the Yavapai-Apache Nation
- Laurel Herrmann and Joseph Sparks on behalf of the San Carlos Apache Tribe
- Lee Leininger on behalf of the U.S. Department of Justice

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

John Lemaster reports that the status of this matter is that land ownership is currently in the consultation process and that the United States Department of Justice is gathering comments from its consultation with the tribes. The U.S. Department of Justice will then consult with Resolutions Copper and Mining, LLC regarding the comments. There is no time frame in place.

Mr. Lemaster states that the Stronghold Apache sued in the 9th Circuit. That appeal was denied, but believes that there is a motion for *en banc* reconsideration pending. At this point Mr. Le Master is waiting is waiting for the consultation to be finished before the EIS will again be issued.

Mr. Leininger concurs.

Mr. Lemaster filed a document requesting a continuation of stay for 6 months.

IT IS ORDERED granting the request for continuation of stay. The Court will consider the time frame for the stay.

Mr. Lemaster states that there are two District Court cases that were stayed as well. He reports that once the consultations are finished with the tribes, the parties will try to resolve to any issues. An EIS will issue, at which point the land exchange will take place within 60 days as required by the statute.

Mr. Lemaster prefers to file a status report rather than setting a hearing.

2:35 p.m. Matter concludes.

LATER:

IT IS ORDERED The United States and Resolution Copper and Mining LLC shall file a joint status report by **January 23, 2023**.

A copy of this order is mailed to all parties on the Court-approved mailing list for this case.

NOTE: All court proceedings are recorded digitally and not by a court reporter. *The parties or counsel may request a CD of the proceedings.* For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.