

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

March 17, 2023

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN WARD HARRIS

A. Parmar
Deputy

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

FILED: March 20, 2023

In re: ASLD – Argo Land and Cattle Co.
Contested Case No. W1-11-3346

MINUTE ENTRY

Courtroom 301 – Central Court Building

2:45 p.m. This is the time set for a Status Conference before Special Water Master Susan Ward Harris.

The following parties/attorneys appear virtually through Court Connect:

- Kevin Crestin on behalf of the Arizona State Land Department (“ASLD”)
- Joe Sparks and Laurel Herrmann on behalf of the San Carlos Apache Tribe
- Kimberly Parks and Kome Akpolo on behalf of Arizona Department of Water Resources (“ADWR”)
- Carla Consoli on behalf of the Nature Conservancy
- Tom Murphy on behalf of the Gila River Indian Community
- Anthony Proano on behalf of the Tonto Apache Tribe
- Sue Montgomery on behalf of the Yavapai Apache Nation (and observing on behalf of Pascua Yaqui Tribe)
- Katrina Wilkinson on behalf of Salt River Project (“SRP”)

- David Gehlert on behalf of the United States Proprietary Agencies
- Yosef Negose on behalf of the United States Bureau of Indian Affairs
- Michael Roland on behalf of the Cities of Avondale, Glendale, Scottsdale, Tempe and Mesa
- Bradley Pew on behalf of American Smelting and Refining Company (“ASARCO”)
- Jenny Winkler on behalf of the City of Chandler

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

The Court inquires as to whether the United States has filed objections in this matter. Both Mr. Gehlert and Mr. Negose believe objections have been filed.

Mr. Sparks addresses the Court and confirms that the United States signed the same document as the objectors and have filed objections in this matter. The Court will check its file for the objections.

The Court explains that ADWR is piloting a new process to streamline the adjudication process by preparing proposed abstracts for *de minimis* uses that will be distributed after the order to initiate a case is issued.

Mr. Crestin addresses the Court. He reports that ASLD has met with the Nature Conservancy and both parties agree that ASLD will own all water rights in this Watershed File Report. Ms. Consoli agrees. Mr. Crestin states that he has briefly viewed ADWR’s changes to the legal descriptions found in the HSR but does not have a final answer or comments to provide at this time. He has met with the Nature Conservancy and determined that it will not be pursuing a claim for domestic use in this WFR. All other claims will be pursued.

The Court will send out the abstracts for comments. Mr. Crestin believes abstracts for stock ponds 001 and 002 should not be issued until ADWR prepares a stockpond certificate, which may take up to six months. He believes he will only need three months for stock pond -003.

Mr. Sparks asks for clarification on which abstracts will be distributed. The Court confirms that abstracts for stockponds 001 and 002 stock watering 001, 002 and 003 will be issued. An abstract under the *de minimis* rules will not be issued at this time for stockpond -003.

2:57 p.m. Matter concludes.

LATER:

The court records contain two objections to WFR 115-05-023 submitted by Gila River Indian Community, San Carlos Apache Tribe, Tonto Apache Tribe, Yavapai-Apache Indian Community, Camp Verde Reservation signed by Alfred S. Cox and Joe Sparks.

IT IS ORDERED that the United States shall file a copy of the objection it filed to WFR 115-05-023 by **June 30, 2023**.

IT IS FURTHER ORDERED setting a Status Conference in this contested case on **July 7, 2023 at 2:15 p.m.** before the Special Water Master Sherri Zendri. The Status Conference shall be held using the Court Connect program. Instructions for Court Connect are attached to this Order. If you receive this Order by email, click on the red box “Join Court Connect Hearing” on the attached instructions to make an appearance. If you do not receive this Order by email, log into the Court Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend telephonically using the telephone number and access code included in the instructions for Court Connect. You may also attend telephonically using the following numbers:

Dial: 602-506-9695 (local)
1-855-506-9695 (toll free long distance)
Dial Collaboration (conference) Code 357264#

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