

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

07/22/2020

CLERK OF THE COURT  
Form V000

SPECIAL WATER MASTER  
SUSAN WARD HARRIS

S. Ortega  
Deputy

In re: Town of Huachuca City and  
Whiting Ranches  
Contested Case No. W1-11-0245

FILED: 07/30/2020

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)

Re: Oral Argument on Salt River Project's Motion for Clarification

**MINUTE ENTRY**

Courtroom CCB - 301

1:30 p.m. This is the time set for telephonic Oral Argument before Special Water Master Susan Ward Harris regarding the Salt River Project's Motion for Clarification.

The following attorneys telephonically appear:

Thomas Murphy for Gila River Indian Community;  
Susan B. Montgomery and Mia A. Montoya Hammersley for Yavapai-Apache Nation and observing for Pascua Yaqui Tribe;  
R. Lee Leininger, David Gehlert and Emmi Blades for United States Department of Justice, Environment and Natural Resources Division;  
Mark McGinnis for Salt River Project ("SRP");  
Kimberly R. Parks for Arizona Department of Water Resources ("ADWR");  
Sean Hood for Freeport Minerals Corporation;  
John D. Burnside on behalf of BHP Copper and Arizona Public Service ("APS");

David A. Brown for Michael and Susan Cavender, Gila Valley Irrigation District, Franklin Irrigation District, and City of Cottonwood;  
Rhett Billingsley for ASARCO;  
Carrie J. Brennan and Kevin P. Crestin for Arizona State Land Department;  
Joe P. Sparks and Laurel A. Herrmann on behalf of San Carlos Apache Tribe;  
Steven L. Wene for Town of Huachuca;  
Charles L. Cahoy for City of Phoenix;  
William H. Anger for City of Mesa;  
Jeremiah D. Weiner observing for Tonto Apache Tribe;  
Alexandra Arboleda observing for City of Tempe;  
Megan Tracy for City of Tempe; and  
Michael Pearce for Mercer Claimants

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

Mr. Hood presents oral argument on equity jurisdiction in this case.

Mr. Burnside agrees with, adopts Mr. Hood's comments, and provides further discussion on the different facts.

Mr. Brown concurs with Messrs. Hood and Burnside and provides further discussion.

Mr. Billingsley joins in the above comments.

Ms. Brennan responds and agrees that the motion and trial dates remain the same and to extending the discovery deadline.

Steven Wene comments on the fact pattern as it relates to equity.

Mr. Leininger is aligned with SRP.

Ms. Montgomery is aligned with SRP.

Mr. Murphy is aligned with SRP and makes further points.

Mr. Pearce has no comments at this time.

Mr. McGinnis presents oral argument.

Mr. Murphy presents further comments.

Ms. Montgomery takes no position on the merits of the case.

Mr. Sparks joins with the comments of Messrs. McGinnis, Murphy and Leininger and presents further comments.

Mr. Cahoy believes that the issues as drafted by the Court are pure issues of law.

Mr. Anger concurs with Mr. Cahoy.

Ms. Arboleda agrees with Mr. Cahoy and Mr. Anger and agrees with SRP that it would be helpful to clarify if this is going to be a briefing on the merits or if parties who are not active in this case can weigh in on the issues.

Discussion is held regarding the briefing schedule on the Motion for Clarification.

The Court takes no action at this time as to the briefing schedule.

2:33 p.m. Matter concludes.

LATER:

The two issues set forth in the Notice of Designation of Issues of Broad Legal Importance filed June 18, 2020 are the issues designated under §12.03 Rules for Proceedings Before the Special Master. The Notice was not intended to and does not solicit comments about or suggested revisions of the formulation of the designated issues.

The Response to SRP's Motion for Clarification will be deemed to be a motion to extend the August 11, 2020 date to file a Response that addresses the merits of the issues listed in the Notice, the September 8, 2020 date to file a Reply, and the discovery deadline. For good cause shown,

IT IS ORDERED vacating the August 11, 2020 date to file a Response, the September 8, 2020 date to file a Reply, and the November 5, 2020 date for a Status Conference.

IT IS FURTHER ORDERED that Responses that address the merits of the issues designated in the Notice shall be filed by **January 11, 2021** and Replies shall be filed by **February 12, 2021**. A telephonic oral argument shall be held on **February 26, 2021** at 1:30 p.m.

Instructions for telephonic appearance:

Instructions for telephonic participation:

Dial: 602-506-9695 (local)

1-855-506-9695 (toll free long distance)

Dial Collaboration (conference) Code **357264#**

IT IS FURTHER ORDERED extending the discovery deadline until **December 18, 2020**.

A copy of this order is mailed to all persons listed on the Court approved mailing list for Contested Case Number W1-11-0245, the Court-approved mailing list for W-1, W-2, W-3 and W-4 and the Court-approved mailing list for CV 6417.