

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

05/09/2019

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

A. Hatfield

Deputy

In re Eli and Ila Fenn
In re: Contested Case No. W1-11-1691

In re Leland K. and Paula F. Barney
In re: Contested Case No. W1-11-1910

FILED: 05/16/2019

In re Chester L. Brown
In re: Contested Case No. W1-11-1912

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

1:00 p.m. This is the time set for a status conference before Special Master Susan Ward Harris to consider the amended Statements of Claimant.

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

The following attorneys appear in-person: David Brown on behalf of the Stadler Trust; John Burnside on behalf of BHP Copper f.k.a Magma Copper; Mark McGinnis on behalf of Salt River Project (SRP); Joe Sparks on behalf of the San Carlos Apache Tribe and Tonto Apache Tribe.

The following attorneys appear telephonically: Kimberly Parks on behalf of Arizona Department of Water Resources; Bradley Pew on behalf of ASARCO; and Jay Tomkus on behalf of the Pascua Yaqui Tribe and Yavapai-Apache Nation.

Mr. Brown advises the Court that Schedule A that is attached to the amended Statement of Claimant is incorrect. A correct version will be filed with the Court.

Discussion is held regarding Mr. Stadtler's property that is being developed as a pecan farm. Mr. Brown states that Mr. Stadtler has drilled three wells of which only one is finished and that the three wells are or will be outside the subflow zone. Discussion continues.

Mr. Brown makes an oral motion to stay the case until the cone of depression test has been completed.

Further discussion is held whether a new watershed file report is needed.

Mr. McGinnis states SRP's position regarding the need to create a new WFR. Mr. McGinnis agrees with Mr. Brown that the case should be stayed until the subflow depletion test is completed as the three wells are outside the subflow zone. Mr. McGinnis further states SRP's concerns regarding objections to the WFR.

The Court addresses the procedure for requesting ADWR to create an amended or new WFR and having new objections filed.

Mr. McGinnis suggests that the three cases be consolidated together. Discussion continues.

Mr. Sparks state that they had issues with matching the WFRs with the SOCs. Mr. Sparks would like a map created that shows where Mr. Stadtler's land overlays the subflow zone.

Mr. Burnside agrees with the case being stayed pending the development of the cone of depression test. BHP Copper takes no position on the amendment of the WFR, and has no objection to the cases being consolidated.

Mr. Pew concurs with staying the case pending the cone of depression test and case consolidation.

Mr. Tomkus agrees that a map may be helpful in this case and has no objection to the consolidation of the cases.

IT IS ORDERED directing Mr. Brown to file a map that shows the boundaries of his client's land relative to the boundaries of the land included in WFRs as mapped by ADWR and a corrected amended Statement of Claimant by July 31, 2019.

Pursuant to the non-appearance of Pomerene Domestic Water Improvement District, IT IS FURTHER ORDERED dismissing Pomerene Domestic Water Improvement District from this case.

IT IS FURTHER ORDERED consolidating Contested Cases W1-11-1910 and W1-11-1912 under Contested Case W1-11-1691 for all further proceedings.

After the filing of the corrected, amended Statement of Claimant and map,

IT IS FURTHER ORDERED that the case will be stayed until the cone of depression test has been approved.

1:30 p.m. Matter concludes.

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