

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

01/15/2021

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN WARD HARRIS

T. DeRaddo
Deputy

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

FILED: 3/2/2021

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

1:30 p.m. This is the time set for a Status Conference before Special Water Master Susan Ward Harris.

The following attorneys appear telephonically:

- John Le Master on behalf of Resolution Copper Mining, LLC
- Kimberly Parks on behalf of ADWR
- Rhett Billingsly on behalf of ASARCO, LLC
- John Burnside on behalf of BHP Copper
- Joe Sparks and Laurel Herrmann on behalf of the San Carlos Apache Tribe
- Bradley Pew on behalf of Asarco and the LCR Coalition
- Susan Montgomery on behalf of the Yavapai Apache Nation and observing for the Pascua Yaqui Tribe
- Lucas Christian on behalf of the Tonto Apache Tribe
- Charles Cahoy on behalf of the City of Phoenix
- John Weldon on behalf of Salt River Project

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

The purpose of today's status conference is to discuss the issues that Resolution Copper Mining LLC has identified with respect to the monitoring wells and the abandoned wells; develop a proposed schedule based on the substance of Resolution Copper's report; and to discuss the types of water rights that Resolution Copper Mining, LLC intends to pursue on the land included within the boundaries of Watershed File Report 113-04-DCD-001. (Resolution Copper Mining LLC was substituted as a party in place of Swift Current Land and Cattle, LLC on August 31, 2020.)

John LeMaster of Resolution Copper moved to dismiss the Statements of Claimants #39-3161, #39-3160, #39-0171 and #39-5232.

IT IS ORDERED granting the Resolution Copper's request and dismissing Statements of Claimants #39-3161, #39-3160, #39-0171 and #39-5232.

Discussion is held regarding several wells. The Court notes the North Well (55-643806) is listed as a catalogued well and is not the subject of a Watershed File Report. Mr. LeMaster believes that this well is outside the boundaries of the watershed file report and is not at issue in this case.

At issue are the South Well and the Artisan Well as sources of water in this case. Mr. LeMaster affirms this information.

Discussion is held regarding the fact that the final EIS was noticed today (1/15/2021) in the Federal Register. Sixty days will be allowed to complete (March 16, 2021) the transfer of the property to the United States. Counsel anticipates that by March 16, 2021, the United States Government will become the property owner of that parcel. Counsel also informed the Court that there is pending litigation regarding the transaction.

Resolution Copper requests that the case move forward, although in two months it will have transferred the land and water rights to the US Government. Mr. LeMaster states that Resolution Copper has been in contact with BLM re scheduling.

The parties discuss whether to set dates for the production of the 26.1 initial disclosure statements or to wait until after March 16 when the United States may become the new owner of the property.

Mr. Billingsley addresses the Court. His position is that a scheduling order should not be filed until after March 16, 2021.

Mr. Burnside and Mr. Weldon agree with Mr. Billingsley.

Mr. Sparks addresses the Court. He is in favor of giving the US Government more than 60 days to set a status conference. Mr. Sparks believes that notices should be sent to four lawyers for the United States: Mr. Leininger, Yosef Negosi, Patrick Barry and Emmi Blades.

Mr. Christian and Ms. Montgomery agree with Mr. Sparks.

1:42 p.m. Matter concludes.

LATER:

IT IS ORDERED setting a telephonic Status Conference on **April 8, 2021 at 3:00 p.m.** for the purpose of creating a scheduling order.

Instructions for telephonic participation in the status conference:

Dial: 602-506-9695 (local)

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

Dial Access Code 357264#

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.

A copy of this order is mailed to all parties on the Court-approved mailing list for this case and to R. Lee Leininger, Yosef Negosi, Patrick Barry, and Emmi Blades.