

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

04/15/2021

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN WARD HARRIS

L. Stogsdill
Deputy

In re: ASLD Bingham Sacaton Ranch II
Contested Case No. W1-11-2603

FILED: 4/27/2021

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

2:48 p.m. This is the time set for a Status Conference before Special Water Master Susan Ward Harris.

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

The following attorneys appear telephonically: Kevin Crestin and Carrie Brennan on behalf of the Arizona Land Department; John Burnside on behalf of BHP Copper; Joe Sparks and Laurel Herrmann on behalf of the San Carlos Apache Tribe; Michael Foy and Mark McGinnis on behalf of Salt River Project (“SRP”); Susan Montgomery on behalf of the Yavapai Apache Nation and observing for the Pascua Yaquai Tribe; Kimberly R. Parks on behalf of ADWR; Rhett Billingsley on behalf of ASARCO and Richard Palmer on behalf of the Tonto Apache Tribe. Jim Bingham appears on his own behalf.

The Court re-read SRP’s objection to priority dates i.e., there being no legal basis if the priority date is 1965. Mr. McGinnis further explains SRP’s position regarding the use of a well registration number listed in the abstract as the source of water. He believes that the source of water should be reported consistently in the proposed abstracts.

The issue in this matter is the priority date.

Mr. Crestin states he has no objection to replacing the source of water referenced in the abstract circulated to the parties by the well registration number.

Mr. Crestin further believes that the earliest date for the construction of a house and well was 1965. He thought it was a *de minimis* right and he could amend the date forward.

Mr. Crestin needs to consult with this client whether he wants to request a stay of the matter until *Town of Huachuca* is resolved or review the existing filings and move forward based on the 36 filing. The correct priority date is located on the filing per Mr. McGinnis. Further, Mr. McGinnis states because the issue is *de minimis* rights, you go with the date reflected in the paperwork. Mr. Sparks suggests that, due to the confusion of dates, ADWR, as the owner of the property who believe the date is wrong, should research the same.

Ms. Montgomery agrees with the position stated by Mr. Sparks.

Mr. Crestin shall file a status report within next two weeks. If his client states the priority date is 1965, the Court will then stay case.

Matter concludes: 3:01 p.m.

LATER: Arizona State Land Department shall file a Status Report no later than **May 3, 2021** identifying the claimed priority date.

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

Matter concludes: 3:01 p.m.