

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

11/13/2019

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN WARD HARRIS

S. Ortega
Deputy

In re: Redfield Canyon State Claims
Contested Case No. W1-11-2665

FILED: 11/20/2019

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

1:30 p.m. This is the time set for a Status Conference.

The following attorneys and parties appear in-person: Michael Foy and Mark McGinnis on behalf of Salt River Project (“SRP”); and Kevin P. Crestin on behalf of Arizona State Land Department.

The following attorneys and parties appear telephonically: Carla Consoli on behalf of Arizona Chapter of the Nature Conservancy; Lee Leininger on behalf of U.S. Department of Justice, Environment and Natural Resources Division; Kimberly Parks for Arizona Department of Water Resources (ADWR); Laurel Herrmann on behalf of San Carlos Apache Tribe; and Jay Tomkus on behalf of the Pascua Yaqui Tribe and the Yavapai-Apache Nation.

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

Mr. Leininger gives the Court a summary of the status of ADWR’s report of October 4, 2019 including Statements of Claimant (SOC) 39-8086, Maple Springs; 39-5583, Bear Canyon Dam; and 39-5585, Browning Tank.

Ms. Herrmann states her position regarding the filing of an amended SOC as it relates to 39-5585, Browning Tank. The goal is that the abstract must be accurate.

Mr. Tomkus inquires about the process for circulating the abstracts.

The Court states that this matter is proceeding through the stipulated abstract process as opposed to abiding by the process set forth in the controlling order governing *de minimis* claims.

Mr. Tomkus states that they are willing to work with the United States to resolve their objections.

Mr. Foy's position is that if the location that the United States is proposing is consistent with what is already included in ADWR's report, an amended SOC is not necessary; whereas if it is in any way inconsistent as opposed to just more precise, then an amended SOC would be required.

Ms. Parks states that the United States should amend the SOC and also amend the claim for water right for stock pond as there are multiple records showing different locations for Browning Tank.

IT IS ORDERED that by December 2, 2019 the United States shall file the following:

- Stipulated abstracts for 113-09-016-SW021, 113-09-016-SP001, and a stipulated abstract for Browning Tank which shall be referred to as 113-09-016-SP002. If agreement by all parties cannot be reached to the forms of abstracts, an Objection to Proposed Abstracts shall be filed by the objecting party explaining any pending objections by December 2, 2019.

- Amended SOC 39-5585.

- Amended Claim of Water Right for A Stockpond 38-81510 consistent with United States' stated location;

If there is not a stipulated agreement by all parties, a Readiness Conference shall be held on January 14, 2020, and hearing shall be held on January 21, 2020 at 1:30 p.m.

1:50 p.m. Matter concludes.

LATER:

Pursuant to Rules for Proceedings Before the Special Master §9.01[1], the litigants in this case are considered Group 1 Litigants because the amount of water at issue is less than 50 acre-feet per year and the sole use claimed is for stock watering purposes. No formal discovery will be allowed. §9.02[1]. Further, this case shall be conducted using Track 1 Procedures. §8.02. The meetings with ADWR have already been accomplished by the United States and ADWR.

The Readiness Conference will be conducted in accordance with Rules for Proceedings Before the Special Master §8.02[3]. At the Readiness Conference the litigants will specify the witnesses they will call and the exhibits they will offer at the hearing. The Readiness Conference will be conducted telephonically at 9:30 a.m. on January 14, 2020.

Instructions for telephonic participation:

Dial: 602-506-9695 (local)

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

Dial Collaboration (conference) Code 357264#

The hearing will be held in the Superior Court of Arizona, Central Court Building, Courtroom 301, 201 West Jefferson Street, Phoenix, AZ 85003-2202 beginning at 1:30 p.m. on January 21, 2020.

A copy of this order is mailed to all persons listed on the Court-approved mailing list for Contested Case No. W1-11-2665.