

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

07/11/2018

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

A. Hatfield

Deputy

**In re: Asarco-Diversion
Contested Case No. W1-11-2798**

**In re: Asarco-Irrigation
Contested Case No. W1-11-2801**

FILED: 07/25/2018

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: Initial Scheduling Conference

MINUTE ENTRY

Courtroom: CCB 301

1:44 p.m. This is the time set for an Initial Scheduling Conference before Special Master Susan Ward Harris.

The following attorneys appear in-person: Mark McGinnis on behalf of Salt River Project (SRP); and Bradley Pew, Lauren Caster and Robin Barnes on behalf of ASARCO LLC.

The following attorneys and parties appear telephonically: David A. Brown; John Burnside on behalf of BHP Copper; F. Patrick Barry and Yosef Negose on behalf of the United States Department of Justice; Laurel Herrmann and Joe Sparks on behalf of San Carlos Apache Tribe and Tonto Apache Tribe; David Jacobs on behalf of the Arizona State Land Department; Kimberly Parks on behalf of Arizona Department of Water Resources; Jay Tomkus on behalf of Pascua Yaqui Tribe and Yavapai-Apache Nation; Sharon Morris on behalf of Salt River Project; and Thomas Murphy on behalf of the Gila River Indian Community.

Court reporter, Lydia Estrada-Gray, is present and a record of these proceedings is made digitally.

Mr. Caster requests six months to amend ASARCO's statements of claimant (SOCs). He responds to the Court's questions regarding the amount of work needed amendments.

IT IS ORDERED granting ASARCO's request to amend the SOCs. The amended SOCs are to be filed by January 7, 2019. The SOCs are to identify the legal owners of the land, GPS locations of wells, include a map that shows the location of the wells relative to the subflow zone, and list the beneficial water uses.

IT IS FURTHER ORDERED in regards to SOCs that haven't been assigned from Kennecott Copper, ASARCO is directed to produce an assignment or obtain an assignment from the original claimant to ASARCO or provide an explanation of reasons that an assignment cannot be obtained.

ASARCO will identify the correct parties that need to be involved in the adjudication of the water rights listed in the applicable HSR.

The Court notes that once the above-referenced amendments have been completed, this will be a Track 2 case.

Mr. McGinnis and Mr. Sparks respond with their respective positions and support the grant of an extension of time to file amended statements of claimant.

Mr. Jacobs advises the Court that the Arizona State Land Department has only an interest in the irrigation case.

Mr. Caster responds to the Court's question whether the cases should be consolidated or kept separate and requests that the cases not be consolidated at this time.

IT IS FURTHER ORDERED that a status conference will be set in February 2019 in which the parties will decide from there on how to proceed based on the objections.

2:07 Matter concludes.

LATER:

A status conference shall be held on **February 8, 2019**, at 10:30 a.m. in the Superior Court of Arizona, Central Court Building, Courtroom 301, 201 West Jefferson Street, Phoenix, AZ, 85003-2202.

Instructions for telephonic participation:

Dial: 602-506-9695 (local)

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

Dial Participant Pass Code 357264#

A copy of this order is mailed to all persons listed on the Court approved mailing lists for Contested Case Nos. W1-11-2798 and W1-11- 2801.