

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

03/20/2019

CLERK OF THE COURT  
FORM V000

SPECIAL WATER MASTER  
SUSAN HARRIS

A. Hatfield

Deputy

In re: Salt River Project - Irrigation  
Contested Case No. W1-11-3194

FILED: 04/08/2019

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: Scheduling Conference

**MINUTE ENTRY**

**Courtroom: CCB 301**

1:30 p.m. This is the time set for a scheduling conference before Special Master Susan Ward Harris.

The following attorneys appear in-person: Mark McGinnis, Patrick Sigl, R. Jeffrey Heilman and John Weldon on behalf of SRP; Joe Sparks on behalf of the San Carlos Apache Tribe and the Tonto Apache Tribe; David Brown on behalf of the St. David Irrigation District; and Bradley Pew on behalf of ASARCO.

The following attorneys appear telephonically: John Burnside of behalf of BHP Copper; Thomas Murphy on behalf of the Gila River Indian Community; Kimberly Parks on behalf of the Arizona Department of Water Resources; and Jay Tomkus on behalf of the Pascua Yaqui Tribe and Yavapai-Apache Nation.

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

Mr. McGinnis provides the Court with two maps of SRP properties. One property is located on the San Pedro River and the other is located on the Aravaipa Creek. The maps show SRP ownership, the outline of the WFR, and other information.

Mr. McGinnis states that in WFR 114-04-BDD-001, the Black's Farm Preserve property, Statement of Claimant 39-2482 was assigned to ASARCO and does not belong

to SRP. Similarly in WFR 114-04-BDD-029, the Adobe Preserve property, Statement of Claimant 39-4843 was assigned to the U.S. Bureau of Reclamation.

Mr. McGinnis further states that the two wells on each property are located within the subflow zone. Mr. McGinnis informs the Court that SRP purchased these two properties for a conservation habitat. SRP filed a severance & transfer and change of use application with ADWR in 2005. He proposed that the case move forward with respect to the irrigation use rights and then adjudicate the in-stream flow right.

Discussion is held regarding SRP's proposal of moving forward with the adjudication of the irrigation claims. The severance and transfer claim would remain pending with ADWR.

Mr. McGinnis responds to the Court's concern regarding due process. Further discussion is held regarding SRP's proposal.

The Court asks Ms. Parks about the status of the claims with ADWR. Ms. Parks states that she is not involved in the application process and has no information about its status at this time.

Mr. Sparks addresses the San Carlos Apache Tribe and Tonto Apache Tribe's interest in this matter and their position regarding SRP's proposal. Both tribes support the concept of in-stream flow. They had filed objections to the use when the water was used for agricultural purposes.

Mr. Brown states that St. David Irrigation District has an interest in this proceeding. However, at this time Mr. Brown neither agrees nor disagrees with SRP's proposal.

Mr. Murphy concurs with what Mr. Sparks outlined to this issue and in general. He has no opinion on SRP's procedural proposal.

Mr. Tomkus states that he would be supportive of Mr. McGinnis' proposed procedure.

Mr. Burnside supports SRP's proposal as stated on the record.

IT IS ORDERED that SRP shall file by **May 26, 2019** a signed stipulated settlement with regards to all objections. If the case does not settle, SRP shall file a status report.

2:05 p.m. Matter concludes.

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