

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

11/21/2017

CLERK OF THE COURT

SPECIAL WATER MASTER SUSAN WARD
HARRIS

L. Stogsdill

Deputy

W1-11-2696

FILED: 11/30/217

In re Bayless and Berkalew
Initial Scheduling Conference

W1-11-2696

In re the General Adjudication W-1, W-2, W-3,
W-4 (Consolidated) of All Rights to Use Water in
The Gila River System and Source

MINUTE ENTRY

Courtroom - CCB 301

1:29 p.m. This is the time set for a Status Conference before Special Master Susan Ward Harris.

Court reporter, Scott Coniam is present and a record of the proceedings is made digitally.

The following attorneys appear in person: Carrie J. Brennan on behalf of the Arizona State Land Department; Jeffrey R. Heilman and Mark A. McGinnis on behalf of the Salt River Project; Joe P. Sparks on behalf of the San Carlos Apache Tribe and the Tonto Apache Tribe; and Monique Coady on behalf of the City of Phoenix.

The following attorneys appear telephonically: David A. Brown on behalf of Bayless and Berkalew Company; Susan Montgomery on behalf of the Pascua Yaqui Tribe and Yavapai-Apache Nation; John D. Burnside on behalf of BHP Copper, Inc.; Kimberly Parks on behalf of the Arizona Department of Water Resources and Sharon Morris on behalf of the Salt River Project.

Discussion is held regarding priority dates and the objections thereto. Mr. Brown advises the court that there will be both amended filings and new filings in this matter. Discussion is also held regarding identification of irrigated acres and the GRIC settlement. *De minimis* claims are discussed. The court inquires if Mr. Brown would like to prepare descriptions for Places of Use for those stockpond and stock watering uses that differ from the descriptions provided by ADWR.

Ms. Brennan advises she would like to talk to Mr. Brown to resolve the court's request.

For the reasons stated on the record,

The court will send out abstracts for stockpond and certain stock watering uses and allow a 60 day correction period. Among the abstracts analyzed by the Arizona Department of Water Resources are abstracts for stock watering uses for which the claimants have described the Place of Use by section, township and range but did not include the ¼ ¼ section or ¼ ¼ ¼ section. The court will allow the State Land Department and Bayless & Berkalew until **February 19, 2018** to file designations of Places of Use for stock watering uses included in the abstracts that comply with the requirements of the *Memorandum Decision, Findings of Fact, and Conclusions of Law*, dated November 14, 1994, as modified by order February 23, 1995, approved September 26, 2002, p. 46.

Accordingly,

IT IS ORDERED all updated and new filings regarding claims for water rights for irrigation uses shall be filed by **August 6, 2018**.

Mr. Sparks advises the court that he feels counsel would need additional time to file amended objections and suggests a time frame of 30 days after receipt.

IT IS FURTHER ORDERED that all amended objections to the new and amended filings shall be filed by **September 6, 2018**.

Mr. McGinnis advises the court that he will make the information available that is referenced in Attachment 1, page 1 to SRP's Objection to DM004 in WFR 113-12-BD-004 which states in relevant part: "SRP's research has disclosed a lower court decision and/or other relevant court records that pertain to this Watershed File Report, but DWR has not reported such information."

1:45 p.m. Matter concludes.

LATER

The Arizona State Land Department shall file by **September 6, 2018** a map identifying wells that provide sources of water for potential water rights listed in in WFR 113-12-BD-004 and any new wells listed as sources of water in any amended or new Statements of Claimant filed by Bayless & Berkalew Company in this case that are located within the Subflow Zone for the San Pedro Watershed.

A copy of this order is mailed to all persons listed on the Court approved mailing list for Contested Case Number W1-11-2696.