

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

09/14/2018

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN HARRIS

A. Hatfield

Deputy

In Re: San Pedro River Subflow Technical
Report Case, No. W1-103

FILED: 10/18/2018

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: Status Conference re: Consider Proposals re:
Adjudication of Small Wells

MINUTE ENTRY

Courtroom 301 – CCB

9:29 a.m. This is the time set for a Status Conference re: Consider Proposals re:
Adjudication of Small Wells before Special Water Master Susan Harris.

The following attorneys and parties appear in person: William Anger on behalf of the Cities of Avondale, Chandler, Glendale, Mesa and Scottsdale; Alexandra Arboleda on behalf of the City of Flagstaff and the City of Tempe; Shelley Cutts on behalf of the City of Tempe; Carrie Brennan and Kevin Crestin on behalf of the Arizona State Land Department; David Brown on behalf of the Gila Valley Irrigation District, Franklin Irrigation District and the City of Cottonwood; John Burnside on behalf of BHP Copper and APS; Charles Cahoy on behalf of the City of Phoenix; Cynthia Haglin on behalf of the City of Chandler; Sean Hood and Bradley Pew on behalf of Freeport Minerals Corporation; Mark McGinnis, Patrick Sigl and John Weldon on behalf of Salt River Project; Thomas Murphy on behalf of the Gila River Indian Community; Kimberly Parks and Jeff Trembly on behalf of the Arizona Department of Water Resources (ADWR); Joe Sparks on behalf of the San Carlos Apache Tribe and the Tonto Apache Tribe; and William Sullivan on behalf of the Pueblo Del Sol Water Company and the City of Sierra Vista;

The following attorneys appear telephonically: F. Patrick Barry and Yosef Negose on behalf of the United States Department of Justice; Carla Consoli on behalf of the AZ Chapter of the Nature Conservancy; Clyde Halstead on behalf of the City of

Prescott; and Jay Tomkus on behalf of the Pascua Yaqui Tribe and the Yavapai-Apache Nation.

Court reporter, Luz Franco, is present and a record of these proceedings is made digitally.

Discussion is held regarding the Arizona Department of Water Resources report on Small Wells in the San Pedro Watershed and the process to move forward regarding analyses of wells under stages 2 and 3.

Further discussion is held regarding the issue of notice required for due process.

Mr. Sparks stated that it is his position that the jurisdictional test does shift the burden of proof to the well owners to establish that they are pumping groundwater and not subflow.

Mr. Sullivan argued that it is a wise step to craft a notice to the landowners about the tests developed by the Arizona State Land Department that may affect their rights.

Ms. Parks from ADWR requests that the court defer the issuance of its final recommendations until the issuance of its report due on November 16, 2018.

Jeff Trembly from ADWR gives a preview of the November report on depletion analysis.

Mr. McGinnis addresses SRP's position regarding the Court issuing its final recommendations and has no objection.

Mr. Burnside, Ms. Brennan, Mr. Hood and Mr. Sullivan object to the deferment of the Court's final recommendations.

Mr. Murphy, Mr. Sparks, Mr. Negose, Mr. Tomkus and Ms. Consoli do not object to the Court deferring its final recommendations.

IT IS ORDERED taking this matter under advisement.

Discussion is held regarding a status conference to be held in December to discuss the issue of notice.

10:30 a.m. Matter concludes.

LATER:

A status conference concerning appropriate form and scope of notice about the proceedings and any revisions to the times set for the comment period will be held at 1:30

p.m. on **December 19, 2018** at 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 Collaboration (conference) Code 357264#

A copy of this order is mailed to all persons listed on the court approved mailing list for Contested Case No. W1-103.