

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

June 14, 2024

CLERK OF THE COURT
S. Ortega
Deputy

SPECIAL WATER MASTER
SHERRI ZENDRI

FILED: June 17, 2024

Contested Case No. W1-106

In re Subflow Technical Report,
Verde River Watershed

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

Central Court Building – Courtroom 301

10:00 a.m. This is the time set for a virtual/telephonic Status Conference regarding before Special Water Master Sherri Zendri.

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

The following parties/counsel appear virtually and/or telephonically:

- Michael Foy for Salt River Project (SRP)
- Kevin Crestin for Arizona State Land Development (ASLD)
- Laurel A. Herrmann observing for the Tonto Apache Tribe
- Bill Staudenmaier and John D. Burnside for Town of Chino Valley
- Mark Widenschein for The United States
- Sue Montgomery for the Yavapai Apache Nation and observing for the Pasqua Yaqui Tribe
- Desiree Fisher for the City of Phoenix
- Kimberly Parks and Karen Nielsen for Arizona Department of Water Resources (ADWR)
- Brian Heiserman for the City of Cottonwood

- Phillip Londen observing for the Arizona Water Company
- Lee Storey observing for the Town of Prescott Valley

The Court reminds everyone about the courtesy email list. It is just a courtesy. If the parties wish to be on the official email list, they should contact Emily Natale or the Clerk of Court to make the request. A special form is required.

Discussion is held regarding the pending summary judgment motions. Mr. Foy informs the Court that although the self-supplied domestic uses has not been resolved by stipulation, there are still three remaining uses at issue in the motions--stock watering, wild-life watering, and stock pond. Mr. Foy does not believe it would be appropriate for the Court to deny the motions as moot at this point and provides the Court with an update as to settlement discussions. There is a stipulation as to stock watering and wild-life watering with all but one of the objectors. Mr. Foy proposes that the Court does not deny or dismiss the motions as moot but to leave the stay on the briefing schedule in place for an additional thirty days to allow the parties to focus their efforts on settlement. Mr. Foy also proposes that the trial date be continued for approximately sixty days if a stay is continued on the briefing. If a trial is needed at all, SRP will only have one witness and need only one to two days of trial.

Ms. Montgomery on behalf of Yavapai Apache Nation supports SRP's statements to the Court regarding settlement efforts and the request to continue the trial in this matter if needed.

Mr. Foy proposes that the Court wait until there is a resolution of the water uses including stock watering, water-life watering, and stock ponds. Resolution could be as a result of the trial, summary judgment rulings or settlement. Then once there is a resolution, the Court can then set a briefing schedule on specific procedures.

Ms. Parks comments on how SRP's proposed schedule affects the HSRs in this matter.

Mr. Foy believes it would be ideal to have procedures approved by the Court by the time the preliminary HSR for Sycamore is completed.

Ms. Parks is concerned about incorporating between the preliminary and final HRSs within the six-month time frame. The preliminary HSR for Sycamore is due September 2026, and the final HSR is due March 2027.

Based on the discussions held,

The Court will continue the stay on the briefing for at least 30 additional days.

The Court will reset the trial in this matter for two days in October 2024.

The Court will set another status conference in this matter on August 6, 2024 to discuss any updates regarding settlement and any other issues in this matter.

10:20 a.m. Matter concludes.

LATER:

IT IS ORDERED continuing the August 5-8, 2024, trial on the Verde River de minimis procedures, until **October 16-17, 2024**. The Location of the trial will be determined in a future order of the Court.

IT IS FURTHER ORDERED any further briefing on the motions for summary judgement before the court regarding the “Thorson Factors 1-3,” is stayed until the parties provide an update on settlement discussions.

IT IS FURTHER ORDERED scheduling a status conference for **Tuesday, August 6, 2024, at 10:00 a.m.** The status conference will be held using the Court Connect program. Instructions for Court Connect are attached as Attachment A. If you receive this Order by email, click on the red box “Join Court Connect Hearing” on the attached instructions to make an appearance. If you do not receive this Order by email, log into the Court Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend telephonically using the telephone number and access code included in the instructions for Court Connect.



Court Connect Hearing Notice for In re Subflow Technical Report

This hearing will be conducted through the new Court Connect program offered by the Superior Court of Arizona in Maricopa County. This new and innovative program allows Court participants to appear online, rather than in a physical courtroom. Hearings are preferably conducted by videoconference but can also be conducted by phone. Lawyers (and self-representing litigants) are responsible for distributing this notice to anyone who will be appearing on their behalf.

All participants must use the JOIN COURT CONNECT HEARING button or the dial in information below to participate.

Participants: Please follow the steps below to participate in the remote proceeding.

1. Click the JOIN COURT CONNECT HEARING button below.
2. Enter your full name and role in name field.
3. Wait for the facilitator to admit you to the proceeding.

Remember to keep this email handy so you can use it to participate in the following proceeding.

Case Name: In re Subflow Technical Report Contested Case No. W1-106

Start Date/Time: Tuesday, August 6, 2024, at 10:00 a.m.

JOIN COURT CONNECT HEARING

Dial-in Information: +1 917-781-4590

Private Dial-in Information: for privacy purposes, you can block your phone number by dialing *67 +1 917-781-4590

Dial-in Access Code: 688 970 203#

Tiny URL: <https://tinyurl.com/specialwatermaster>

To ensure an optimal experience, please review the brief Court Connect training prior to the hearing: [Here](#)