

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

February 2, 2023

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN WARD HARRIS

A. Parmar
Deputy

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

FILED: February 27, 2023

In re: ASARCO – Diversion
Contested Case No. W1-11-2798

MINUTE ENTRY

Courtroom 301 – Central Court Building

1:30 p.m. This is the time set for a telephonic Status Conference before Special Water Master Susan Ward Harris.

The following parties/attorneys appear virtually through Court Connect:

- Mark McGinnis on behalf of Salt River Project (“SRP”)
- Sean Hood on behalf of American Smelting and Refining Company (“ASARCO”)
- Kimberly Park and Kome Akpolo on behalf of Arizona Department of Water Resources (“ADWR”)
- Joe Sparks on behalf of the San Carlos Apache Tribe
- Thomas Murphy on behalf of the Gila River Indian Community (“GRIC”)
- Sue Montgomery on behalf of the Yavapai Apache Nation (and observing on behalf of Pascua Yaqui Tribe)
- Dave Gehlert on behalf of U.S. proprietary agencies

- Charmayne Staloff on behalf of the United States Department of Justice, Natural Resources Section
- Anthony Proano on behalf of the Tonto Apache Tribe
- Charles Cahoy on behalf of the City of Phoenix
- Michael Rolland on behalf of the City of Mesa, City of Tempe, City of Scottsdale, City of Avondale and City of Glendale
- John Burnside observing on behalf of BHP Copper

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

LET THE RECORD REFLECT that this hearing is being held in conjunction with W1-11-2801.

The Court inquires as to the status of discussions with GRIC and San Carlos Apache Tribe. Mr. Hood reports that the parties are extremely close to settling this matter. He anticipates that stipulated abstracts can be filed within 90 days.

Mr. Murphy agrees with Mr. Hood and believes this matter will be settled shortly.

Ms. Montgomery does not anticipate that there will be an objection but would like sufficient time to review the abstracts to stipulate to with her clients.

Mr. Sparks agrees with Mr. Hood and does believe it worthwhile to pursue a settlement. He reports that he has been updating the United States on the issues, what the meetings with ASARCO entail as well as the outcomes.

Mr. Staloff agrees with Mr. Sparks and will continue to work with the parties.

Mr. Gelhert states that he has prepared a draft abstract and will provide it to ASARCO and San Carlos Apache Tribe prior to their meeting.

1:44 p.m. Matter concludes.

LATER:

IT IS ORDERED that a settlement agreement and stipulated abstracts are due by **May 19, 2023**. If no agreement can be reached, the parties shall file their initial Disclosure Statements on **May 26, 2023**, and a Scheduling Conference shall be held on **June 1, 2023 at 1:30 p.m.** The Scheduling Conference will be held using the Court Connect program. Instructions for Court Connect are attached below. 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. Alternatively, you may attend telephonically using the following instructions: Instructions for telephonic appearance:

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 list.



Court Connect Hearing Notice for In re ASARCO – Diversion & In re Asarco - Irrigation

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 Names: In re ASARCO – Diversion & In re Asarco - Irrigation

Contested, Case Nos. W1-11-2798 - W1-11-2801

Start Date/Time: June 1, 2023 at 1:30 p.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](#)

