

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

June 1, 2023

CLERK OF THE COURT
A.Parmar
Deputy

SPECIAL WATER MASTER
SHERRI ZENDRI

FILED: June 2, 2023

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)

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

MINUTE ENTRY

Courtroom 301 – Central Court Building

1:34 p.m. This is the time set for a telephonic Scheduling Conference before
Special Water Master Sherri Zendri.

The following parties/attorneys appear virtually through Court Connect:

- Sean Hood on behalf of American Smelting and Refining Company (“ASARCO”)
- Mark McGinnis on behalf of Salt River Project (“SRP”)
- Kimberly Park and Kome Akpolo on behalf of Arizona Department of Water Resources (“ADWR”)
- Joe Sparks on behalf of the San Carlos Apache Tribe
- 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 observing 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
- Luke Erickson on behalf of the City of Flagstaff
- Thomas Murphy on behalf of the Gila River Indian Community

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.

Counsel for ASARCO, Mr. Hood, addresses the Court regarding the history of the two related cases, W1-11-2798 and W1-11-2801. He states that the claims in W1-11-2798 have been withdrawn and requests a dismissal in that case number only. As to W1-11-2801, he requests an additional 90 days to confer with the other parties and resolve any outstanding objections. If the objections are not resolved, he proposes that he file a joint status report with a proposed scheduled for discovery/trial date.

Counsel for United States, Mr. Gehlert, addresses the Court regarding the draft stipulated abstracts. He believes they are making good progress and agrees with Mr. Hood's proposal.

Counsel for the San Carlos Apache Tribe, Mr. Sparks, addresses the Court regarding the progress made. He states that he received initial discovery from ASARCO and requests that ASARCO provide what documents are relevant to the irrigation claims so he does not have to study documents related to the dismissed claims in W1-11-2798.

Counsel for ASARCO, Mr. Hood, affirms that all the initial disclosure made is relevant to the remaining irrigation claims specific to W1-11-2801.

Further discussion is held regarding the disclosures made by ASARCO. Mr. Sparks believes that there are documents that relate to claims other than irrigation. Mr. Hood affirms that he will confer with Mr. Sparks outside of today's hearing to address any concerns with the documents. He requests that Mr. Sparks send a letter detailing the specific documents he has concerns with.

Based on the discussion held,

IT IS ORDERED granting the City of Phoenix's *Motion to Withdraw as Litigant from W1-11-2801* and withdrawing the City of Phoenix from case W1-11-2801.

IT IS FURTHER ORDERED dismissing case W1-11-2798 and granting the withdrawal of Statements of Claimant 39-12014, 39-12015 and 39-12019.

IT IS FURTHER ORDERED granting the request for an additional 90 days. The Court will set a Status Conference on September 7, 2023 as a later in today's minute entry. If the parties are not able to reach agreements prior to that date, the parties shall inform the Court of their proposed discovery schedule and anticipated trial date at the Status Conference.

1:58 p.m. Matter W1-11-2798 concludes.