

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

10/28/2015

CLERK OF THE COURT
Form V000

SPECIAL MASTER
SUSAN WARD HARRIS

S. Brown
Deputy

W1-11-1174 (Consolidated)

FILED: 11/4/2015

In re The General Adjudication of All Rights
In the Gila River System and Source

W1-11-1174

In re Status Conference

MINUTE ENTRY

Central Court Building – Courtroom 703

8:59 a.m. This is the time set for a Status Conference before Special Master Susan Ward Harris to address the resolution of 16 claims asserted by the United States on behalf of the Bureau of Land Management.

The following attorneys appear telephonically:

- R. Lee Leininger on behalf of the United States;
- Janet L. Miller on behalf of the Arizona Department of Water Resources;
- Susan B. Montgomery, on behalf of the Pascua Yaqui Tribe and Yavapai-Apache Nation;
- Joe P. Sparks on behalf of the San Carlos Apache Tribe and Tonto Apache Tribe;
- William P. Sullivan on behalf of City of Sierra Vista, Pueblo Del Sol Water Company and Liberty Utilities (Bella Vista Water Company);

The following attorneys appear in-person:

- Brian J. Heiserman on behalf of Freeport Minerals Corporation; and
- John B. Weldon, Jr., on behalf of Salt River Project

Court reporter, Vanessa Melstrom, is present and a record of the proceeding is also made by audio and/or video tape.

Messrs. Weldon and Sparks set forth their positions as to the dispute in this matter regarding the remaining unresolved claims pertaining to a boundary dispute between the United States and San Carlos Apache Tribe.

Mr. Sparks advises that due to a newly elected tribal council, he has not had the opportunity to meet with members of the council in an effort to resolve the remaining claims and requests that he be given until the end of February to accomplish this.

Further discussion is held on the parties' positions as to whether the BLM has superior water rights to the springs subject to the boundary dispute. Mr. Sparks advises that the tribal council needs to review the abstracts but that he will recommend their approval pending appropriate language in the decree affirming the attributes which include the exact location of the origin of the spring and the direction of the flow of the spring.

Mr. Leininger advises that maps have been created which show the topography and drainage flow of the spring and that he is hopeful the dispute can be resolved after the members of the council review the abstracts, maps, and take the necessary steps to confirm the amount of water being claimed and the location and drainage flow of the spring.

Discussion is held on the legal issues remaining in the case.

IT IS ORDERED Mr. Sparks shall file a pleading indicating what legal issues remain in the case other than the boundary issue by March 16, 2016, if these disputes have not been resolved by then. The government will be given the appropriate time to respond after which time a hearing will be set.

Pursuant to the request of Mr. Weldon, Mr. Leininger agrees to provide copies of the map referred to today to all parties.

9:21 a.m. Matter concludes.

A copy of this order is mailed to all persons listed on the Court approved mailing list for Contested Case Number W1-11-1174 dated September 24, 2015.