

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

02/18/2010

CLERK OF THE COURT
FORM V000

SPECIAL MASTER GEORGE A. SCHADE,
JR.

M. Wetherell
Deputy

W-1, W-2, W-3, W-4 (Consolidated)
Contested Case No. W1-11-232

FILED: February 25, 2010

In Re the General Adjudication
of All Rights to Use Water in
The Gila River System and Source

COPY

In Re San Pedro Riparian National
Conservation Area

In Re Oral Argument on
Motions for Summary Judgment
and Statement of Positions

MINUTE ENTRY

Courtroom OCH - 303

9:02 a.m. This is the time set for oral argument on Motions for Summary Judgment. Present are: R. Lee Leininger for the United States Department of the Interior; Jenny J. Winkler for Freeport-McMoRan Corporation and Babacomari Ranch; William P. Sullivan for Bella Vista Water Company, Inc., Pueblo del Sol Water Company and the City of Sierra Vista; Lauren J. Caster and Gregory L. Adams for ASARCO LLC; John B. Weldon, Jr., Lisa M. McKnight and Patrick B. Sigl for the Salt River Project Agricultural Improvement and Power District and Salt River Valley Water Users' Association; Bradley J. Palmer for St. David Irrigation District; Matthew A. Bailey for Roosevelt Water Conservation District and Arizona Public Service; Kenneth

Nyman for Arizona State Land Department; Janet L. Ronald for the Arizona Department of Water Resources (ADWR); Joe P. Sparks for the San Carlos Apache and Tonto Apache Tribe, William H. Anger for the Cities of Avondale, Chandler, Glendale, Mesa and Scottsdale; Susan B. Montgomery for Yavapai-Apache Nation; John L. Gaudio for the Department of the Interior; and Barbara K. Brown, Assistant to the Special Master.

Court reporter, Linda Lopez, is present.

Opening arguments are presented by: R. Lee Leininger, Jenny J. Winkler, Lisa M. McKnight, Gregory L. Adams, Joe P. Sparks, and William P. Sullivan.

10:17 a.m. Court stands at recess.

10:33 a.m. Court reconvenes with respective counsel present.

Court reporter, Linda Lopez, is present.

Responsive arguments are presented by: R. Lee Leininger, Jenny J. Winkler, Lisa M. McKnight, Gregory L. Adams, Joe P. Sparks and William P. Sullivan.

Further arguments are presented by Jenny J. Winkler, Lisa M. McKnight, R. Lee Leininger, Gregory L. Adams and Janet L. Ronald.

Counsel request the Special Master to allow them to submit memoranda concerning the next phase of this contested case.

IT IS ORDERED granting said request. The Special Master will set a briefing schedule allowing sixty (60) days for memoranda to be submitted and will set a deadline for responses to same. No replies will be accepted.

12:23 p.m. Matter concludes.

LATER:

Parties are encouraged to submit recommendations concerning the next phase of this case. The quantification of the claims, current uses, and purposes of the claimed reserved water right of the United States, or a segment of these, is a reasonable choice. However, any other feasible substantive issues or tasks that will advance this case can be presented. In presenting recommendations, counsel shall consider the current schedule of hearings and briefings in this adjudication as well as the work agenda of the Arizona Department of Water Resources. Counsel are encouraged to discuss any proposals with the Department.

IT IS ORDERED the parties shall have until **Friday, April 9, 2010**, to submit memoranda concerning the next phase of this case in accordance with the foregoing

directives. Thereafter, parties shall have until **Friday, April 30, 2010**, to file responsive memoranda. No replies will be allowed.

DATED: February 22, 2010.

/s/ George A. Schade, Jr.
George A. Schade, Jr.
Special Master

A copy of this order is mailed to all persons listed on the Court approved mailing list for Contested Case No. W1-11-232 dated January 20, 2010.