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6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
7 IN AND FOR THE COUNTY OF MARICOPA
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10 IN RE THE GENERAL ADJUDICATION
11 OF ALL RIGHTS TO USE WATER IN
12 THE GILA RIVER SYSTEM AND
13 SOURCE

W-1, W-2, W-3, W-4 (Consolidated)

Contested Case No. W1-11-2394

14 ORDER DENYING REQUEST FOR
15 STAY
16 AND
17 ORDER SETTING STATUS
18 CONFERENCE

19 CONTESTED CASE NAME: *In re Magma Copper Company*

20 HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

21 DESCRIPTIVE SUMMARY: Order substituting parties, denying request for stay, and setting a
22 status conference for **October 2, 2020 at 1:30 p.m.**

23 NUMBER OF PAGES: 3

24 DATE OF FILING: August 31, 2020

25 In its Status Report filed May 29, 2020, Swift Current Land & Company, LLC
26 represented that it no longer has an interest in 7B Ranch and that Statements of Claimants 39-
27 3161, 39-3163, 39-5227, and 39-5234, which are the subject of Watershed File Report 113-04-
28 DCD-001, have been assigned to Resolution Copper Mining, LLC. The public records of the

1 Arizona Department of Water Resources ("ADWR") include an Assignment filed June 6, 2020
2 between BHP Copper Inc., assignor, and Resolution Copper Mining LLC, assignee.

3 According to Watershed File Report 113-04-DCD-001, one well provided the source of
4 water for domestic and irrigation uses. The Arizona Department of Water Resources has
5 determined that the well it identified is located in the subflow zone. The Status Report identifies
6 four wells on the property. It states that two of the wells are abandoned, one serves to monitor
7 water levels, and a fourth provides water for livestock and wildlife.

8 Resolution Copper Mining LLC requests that all of its wells should be dealt with in a
9 single proceeding and requests a stay of this action on the grounds that an issue exists as to
10 whether the well is pumping surface water or subflow. In support of its request, Resolution
11 Copper Mining LLC cites to a case that was stayed due to questions about whether an owner of
12 a well located in the subflow zone has a legal basis to assert a claim for surface water.

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14 Based on the information provided in the Status Report,

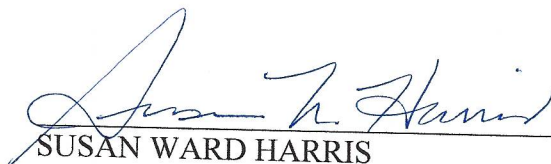
15 **IT IS ORDERED:**

- 16 1. Resolution Copper Mining LLC is substituted as a party in place of
17 Swift Current Land & Cattle, LLC.
 - 18 2. The request to stay the case is denied.
 - 19 3. A status conference shall be held to address:
 - 20 a. The types of water rights that Resolution Copper Mining LLC
21 intends to pursue on the land included within the boundaries of
22 Watershed File Report 113-04-DCD-001;
 - 23 b. The issues that Resolution Copper Mining LLC has identified
24 with respect to the monitoring wells and the abandoned wells;
 - 25 c. A schedule to resolve the issues raised in the objections and
26 claims by motion or by an evidentiary hearing.
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A telephonic status Conference shall be held on **October 2, 2020 at 1:30 p.m.**

Instructions for telephonic appearance:
Dial: 602-506-9695 (local)
1-855-506-9695 (toll free long distance)
Dial Participant Pass Code 357264#



SUSAN WARD HARRIS
Special Master

On August 31, 2020, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for this contested case.