

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

03/15/2011

CLERK OF THE COURT
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

R. Tomlinson
Deputy

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

COPY

Contested Case No. W1-103

FILED: 04/04/2011

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

In Re: Arizona Department of Water Resources'
Subflow Zone Delineation Report for the San
Pedro River Watershed

In Re: Pretrial Conference

MINUTE ENTRY

2:35 p.m. This is the time set for a pre-trial conference to determine the procedures to be used at the subsequent evidentiary hearing with respect to the Arizona Department of Water Resource's Subflow Zone Delineation Report for the San Pedro River Watershed. Present are: Patrick F. Barry on behalf of the U. S. Department of Justice on behalf of the San Carlos Apache Tribe; Thomas L. Murphy on behalf of the Gila River Indian Community; Joe P. Sparks and Laurel A. Hermann on behalf of the San Carlos Apache Tribe and the Tonto Apache Tribe; John C. Lemaster and Rhett A. Billingsley on behalf of Freeport-McMoRan Corporation; Mark A. McGinnis on behalf of Salt River Project ("SRP"); Gregory L. Adams on behalf of ASARCO LLC; L. William Staudenmaier and Karlene E. Martorana on behalf of Arizona Public Service Company and Roosevelt Water Conservation District; Patrick B. Sigl on behalf of SRP; William P. Sullivan on behalf of Bella Vista Water Company, Inc., Pueblo Del Sol Water Company, and the City of Sierra Vista; M. James Callahan on behalf of the City of Phoenix; Charles L. Cahoy on behalf of the City of Tempe; R. Lee Leininger on behalf of the United States Department of Justice; Shilpa Hunter-Patel on behalf of Freeport-McMoRan Corporation; Jan C. Ronald on behalf of the Arizona Department of Water Resources ("ADWR"); Mike Johnson on behalf of ADWR; Margaret B. LaBianca on behalf of BHP Copper Inc.; Sarah A. "Sally" Worthington on behalf of Maricopa County; and Special Master, George A. Schade, Jr. Appearing telephonically

on behalf of Verde Valley claimants is Tony Gioia. No other telephonic appearances were announced.

Court reporter, Kim Hannan, is present.

The Court invites comments with respect to the request to set a meeting of the Gila River Adjudication Steering Committee to discuss and consider a possible adoption of special procedures for review and approval of non-Indian water rights settlements; and with respect to the identical request to set a meeting of the Little Colorado River Settlement Committee. Discussion follows.

IT IS ORDERED that a meeting between the Steering Committee and the Little Colorado River Settlement Committee shall take place no later than **May 23, 2011**. The meeting in part shall be for the purpose of drafting a single order for the Court's consideration that sets forth special procedures for approving non-Indian water rights settlements.

The Court, having read ADWR's Subflow Zone Delineation Report for the San Pedro River Watershed, the objections thereto, and ADWR's response to the objections, advises the parties that the Court is not convinced that an evidentiary hearing at this juncture would be the most fruitful approach.

Discussion follows with respect to the suggested revisions in areas such as disturbed areas, historic diversion, cross-sections, repairing vegetation, set-backs, and the definition of subflow zone.

Based upon the foregoing discussion the Court determines that a subsequent hearing to take testimony addressing further direction to ADWR on those areas of legitimate concerns identified by the parties shall be set prior to the setting of an evidentiary hearing. Accordingly,

IT IS ORDERED that a revised pretrial statement shall be submitted for the Court's consideration no later than **April 22, 2011**. The pretrial statement shall include, but not be limited to, time estimates for the hearing; a deadline for disclosure of new expert affidavits; and any dates that counsel would find to be in conflict with their calendar through July 29, 2011. No rebuttal expert affidavits shall be permitted.

3:41 p.m. Matter concludes.

IT IS FURTHER ORDERED signing this entry as an order of the Court.

/s/ Eddward P. Ballinger, Jr.
JUDICIAL OFFICER OF THE SUPERIOR COURT

A copy of this order is mailed to all parties on the Court approved mailing list (Court) for Contested Case No. W1-103 dated January 12, 2011.