

SUPERIOR COURT OF ARIZONA
APACHE AND MARICOPA COUNTY

12/18/2014

CLERK OF THE COURT
FORM V000

HONORABLE MARK H. BRAIN

T. Springston
Deputy

W1-209
CV 6417-202

FILED: March 4, 2015

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

W1-209

In re the General Adjudication
of All Rights to Use Water in the
Little Colorado River System and Source

CV 6417-202

In re Oral Argument

MINUTE ENTRY

1:51 p.m. This is the time set for oral argument on the motions listed below before Judge Mark H. Brain set for December 18, 2014, at 1:30 p.m. (MST).

- Settling Parties' Response to Objections to the Amended and Restated White Mountain Apache Tribe Water Rights Quantification Agreement and Motion for Summary Dispositions filed in Contested Case No. W1-209.
- Settling Parties' Response to Objections to the Amended and Restated White Mountain Apache Tribe Water Rights Quantification Agreement and Motion for Summary Dispositions filed in Contested Case No. CV 6417-202.

The following attorneys and parties appear telephonically: Lee Bringhurst on his own behalf; Robyn I. Interpreter on behalf of the Yavapai-Apache Nation; David A. Brown on behalf of the Little Colorado River Claimants; Joe P. Sparks on behalf of the San Carlos Apache Tribe and the Tonto Apache Tribe; Sara Ransom and Lee A. Storey on behalf of the City of Flagstaff; Yosef Negose and Stephen G. Bartell on behalf of the United States Department of Justice. The following attorneys and parties appear in-person: Patrick F. Barry on behalf of the United States Department of Justice; John B. Weldon, Jr., Lisa M. McKnight, and Patrick B. Sigl on behalf of Salt River Project; Brian J. Heiserman on behalf

of Freeport Minerals Corporation; Charles L. Cahoy on behalf of the City of Tempe; Robert C. Brauchli on behalf of the White Mountain Apache Tribe; Nicole D. Klobas on behalf of the Arizona Department of Water Resources; Douglas C. Nelson on behalf of the Lower Gila Water Users; Christopher W. Payne on behalf of Arizona Public Service and Roosevelt Water Conservation District; Michael J. Pearce on behalf of Buckeye Water Conservation and Drainage District and Buckeye Irrigation Company; Sarah A. Worthington on behalf of Maricopa County; Cynthia J. Haglin on behalf of the City of Chandler; Wilbert J. Taebel on behalf of the City of Mesa; William P. Sullivan on behalf of the Town of Gilbert; William H. Anger on behalf of the Cities of Avondale, Chandler, Glendale, Mesa, and Scottsdale; Earl A. Zarbin on his own behalf; Kino Kane of White Mountain Apache Tribal Council; and KeAloha Douma on behalf of the White Mountain Apache Tribe Attorney General. Also present is Special Master George A. Schade, Jr. and his assistant Barbara K. Brown.

Court reporter Vanessa Garner is present and a record of the proceedings is also made by audio and/or videotape.

Robert C. Brauchli of the White Mountain Apache Tribe presents oral argument.

Pro per Lee Bringhurst states his objections to the quantification agreement and requests a letter from the Court verifying that his well water is not in jeopardy. The Court explains that a judgment will be issued instead of a letter.

Pro per Earl A. Zarbin states his comments concerning the agreement.

For reasons stated on the record,

IT IS ORDERED dismissing the objections.¹

IT IS FURTHER ORDERED granting the Settling Parties' Motions for Summary Dispositions and approving the Amended and Restated White Mountain Apache Tribe Water Rights Quantification Agreement lodged in both Contested Case Nos. W1-209 and CV 6417-202.

3:02 p.m. Matter concludes.

LATER:

The Court signs the Judgment and Decrees lodged in Contested Cases Nos. W1-209 and CV 6417-202.

¹ Objections were filed by Earl and Dorothy Zarbin, Yolonda Moneglia, Allen Merz, Lee Bringhurst, David Maher, Vance McDonald, Anthony Exparza, and Benjamin Wade and Jacqueline Brakefield.

FILED: White Mountain Apache Tribe Water Rights Quantification Settlement Judgment and Decree (filed in Maricopa County and Apache County).

A copy of this order is mailed to all persons listed on the Court approved mailing lists dated March 3, 2015 for Contested Cases Nos. W1-209 and CV 6417-202.