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LEGAL  
DEPT OF WATER RESOURCES

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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA**

IN RE: THE GENERAL  
ADJUDICATION OF ALL RIGHTS  
TO USE WATER IN THE GILA  
RIVER SYSTEM AND SOURCE

No. W-1 (Salt)  
No. W-2 (Verde)  
No. W-3 (Upper Gila)  
No. W-4 (San Pedro)

Contested Case No. W1-103

**THE SAN CARLOS APACHE TRIBE  
AND THE TONTO APACHE  
TRIBE'S INITIAL RULE 26.1  
DISCLOSURE STATEMENT  
CONCERNING THE CONE OF  
DEPRESSION TEST  
METHODOLOGY**

Contested Case Name: *In re San Pedro Subflow Technical Report*  
Statements of Claimant: 39-12676, 39-63614 (San Carlos Apache Tribe)  
39-50058, 39-12675 (Tonto Apache Tribe)  
HSR Involved: San Pedro River Watershed Hydrographic Survey  
Report

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Descriptive Summary: The Tribes submit their Initial Disclosure Statement Concerning the Cone of Depression Test Methodology pursuant to Arizona Rule of Civil Procedure 26.1 and the Special Master’s Case Management Order regarding Cone of Depression Test Methodology filed on April 6, 2017.

Date of Filing: August 18, 2017

Number of Pages: 6

The San Carlos Apache Tribe and the Tonto Apache Tribe (the “Tribes”) hereby submit their Initial Disclosure Statement concerning the Cone of Depression Test Methodology pursuant to Arizona Rule of Civil Procedure 26.1 and the Special Master’s Case Management Order regarding Cone of Depression Test Methodology filed on April 6, 2017.

**1. The factual basis for the Tribes’ claims:**

The factual basis for the Tribes’ objections is described in the United States’ Objections and Comments to Arizona Department of Water Resources’ 2017 Demonstration Project Report: *De Minimis* Assessment & Cone of Depression Test Methodology filed on March 6, 2017 (“U.S. Objections and Comments”), which the Tribes joined by Notice filed on March 6, 2017, and in the additional objection and comment filed with said Notice on March 6, 2017, and clarified by the Tribes’ Clarification of Objection and Comment, filed August 18, 2017 (“Clarified Objection and Comment”). In addition, the Tribes concur with Salt River Project’s Comments on ADWR’s Demonstration Project Report dated March 6, 2017 (“SRP’s Comments”), and

1 Salt River Project's Objections to ADWR's Cone of Depression Test Methodology filed  
2 August 18, 2017 ("SRP's Objections"), and adopt SRP's Comments and SRP's  
3 Objections here.  
4

5 The Tribes reserve the right to supplement this response during the course of this  
6 Contested Case, should future disclosures, arguments or both require the Tribes to  
7 disclose additional information relevant to this paragraph.  
8

9 **2. The legal theory upon which the Tribes' claims are based including, where  
10 necessary for a reasonable understanding of the claim, citations to relevant  
11 legal authorities:**

12 The legal theories on which the Tribes' objections based are described in the U.S.  
13 Objections and Comments, the Tribes' Clarified Objection and Comment, SRP's  
14 Comments, and SRP's Objections.

15 The Tribes reserve the right to supplement this statement should future  
16 disclosures, arguments or both, require the Tribes to clarify or distinguish the theories  
17 upon which they base their objections in this matter.  
18

19 **3. Names, addresses, and telephone numbers of any witnesses whom the Tribes  
20 expect to call to substantiate their claims with a fair description of the  
21 substance of each witness' expected testimony:**

22 At this time, the Tribes do not intend to call any witnesses. The Tribe does reserve  
23 the right to call and question any witnesses disclosed by any other party.  
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1 **4. Names and addresses of all persons whom the Tribes believe may have**  
2 **knowledge or information relevant to the subject matter of the action, and a**  
3 **fair description of the nature of the knowledge or information each such**  
4 **individual is believed to possess:**

5 At this time, the Tribes know of no persons, other than those named by other  
6 parties in their disclosure statements, who may have relevant knowledge or information.

7 **5. Names and addresses of all persons who have given statements, whether**  
8 **written or recorded, signed or unsigned, relevant to the subject matter of the**  
9 **action. and the custodian of each of those statements:**

10 At this time, no such statements have been given.

11 **6. The name and address of each person whom the Tribes expect to call as an**  
12 **expert witness at trial, the subject matter on which the expert is expected to**  
13 **testify, the substance of the facts and opinions to which the expert is expected**  
14 **to testify, a summary of the grounds for each opinion, the qualifications of the**  
15 **witness, and the name and address of the custodian of copies of any reports**  
16 **prepared by the expert:**

17 At this time, the Tribes do not expect to call any expert witnesses. The Tribes  
18 reserve the right to question at trial any expert witnesses disclosed by other parties.

19 **7. A computation and measure of each category of damages alleged by the**  
20 **disclosing party, the documents and testimony on which such computation**  
21 **and measure are based, and the name, address, and telephone number of**  
22 **each witness whom the tribes expect to call at trial to testify on damages:**

23 The Tribe does not seek damages in this matter.

24 **8. The existence, location, custodian, and general description of any tangible**  
25 **evidence, documents, or electronically stored information that the Tribes plan**  
26 **to use at trial, including any material to be used for impeachment:**

27 At this time, the Tribes are unaware of any relevant tangible evidence, documents,  
28 or electronically stored information, other than those disclosed by other parties, that the

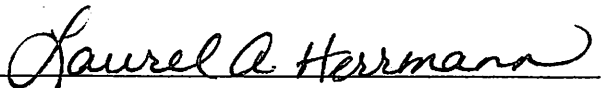
1 Tribes intend to use at trial. The Tribes reserve the right to use any tangible evidence,  
2 documents, or electronically stored information disclosed by any other party.

3  
4 **9. The existence, location, custodian, and general description of any tangible**  
5 **evidence, documents, or electronically stored information that may be**  
6 **relevant to the subject matter of the action:**

7 At this time, the Tribes are unaware of any relevant tangible evidence, documents,  
8 or electronically stored information, other than those disclosed by other parties, that may  
9 be relevant to the subject matter of the action.

10 Respectfully submitted this 18<sup>th</sup> day of August, 2017.

11 **THE SPARKS LAW FIRM, P.C.**

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14 Joe P. Sparks  
15 Laurel A. Herrmann  
16 7503 First Street  
17 Scottsdale, Arizona 85251  
18 *Attorneys for the San Carlos Apache Tribe*  
19 *and the Tonto Apache Tribe*

20 ORIGINAL of the forgoing hand delivered  
21 for filing this 18<sup>th</sup> day of August, 2017 to:

22 Clerk of the Arizona Superior Court  
23 Maricopa County  
24 Attn: Water Case  
25 601 West Jackson Street  
26 Phoenix, AZ 85003

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COPIES of the foregoing hand delivered  
this 18<sup>th</sup> day of August, 2017, to:

Hon. Mark H. Brain  
Judge of the Superior Court  
Central Court Building, Suite 12A  
201 West Jefferson  
Phoenix, AZ 85003

Susan Ward Harris  
Special Master  
Central Court Building, Ste 3A  
201 West Jefferson  
Phoenix, AZ 85003-2205

COPIES of the foregoing will be mailed  
on the 21<sup>st</sup> day of August, 2017, to all  
parties on the Court Approved Mailing  
List for Contested Case No. W-103  
dated July 25, 2017.



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