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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF APACHE

IN RE THE GENERAL
ADJUDICATION OF ALL RIGHTS
TO USE WATER IN THE LITTLE
COLORADO RIVER SYSTEM AND
SOURCE

CV6417-33-7108

**ORDER ON REQUEST TO FILE
JOINDER IN ALL NEWLY INITIATED
CASES IN THE SILVER CREEK
WATERSHED**

CONTESTED CASE NAME: *In re Arizona Game & Fish Department-Pinetop Fish Hatchery*

HSR INVOLVED: Silver Creek Hydrographic Survey

DESCRIPTIVE SUMMARY: The Court takes notice of Navajo Nation's previously filed joinder. Request to file previously filed joinder in all newly initiated Silver Creek cases is denied.

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1 On July 17, 2023, Counsel for the Navajo Nation filed a Notice of Previously
2 Filed Joinder and Concurrence by the Navajo Nation in All United States' Objections to
3 Silver Creek Watershed File Reports ("Notice"). The joinder that is included with the
4 Notice was originally filed with this Court on May 28, 1991. It appears to this Court
5 that the July 17, 2023, notice is actually a motion requesting the Court to file the May
6 28, 1991, joinder in all newly initiated contested cases within the Silver Creek
7 Watershed. On July 6, 1992, amended Rules for Proceedings Before the Special Master
8 ("Rule") became effective. These rules state:

9 "[2] Joinder by Reference

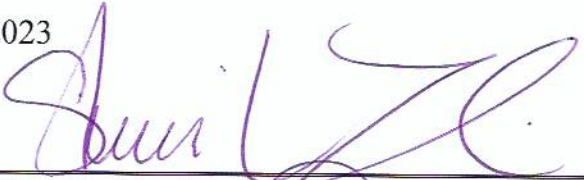
10 Claimants may join in objections filed by other claimants to individual
11 Watershed File Reports or other portions of an HSR. In doing so, however,
12 the joining claimants must file the mandatory objection form indicating their
13 joinder before the filing deadline for objections. The joining claimants must
14 also identify both (a) the portion of the HSR and the Watershed File Report,
15 if any, to which the objection is addressed; and (b) sufficient information
16 (including the name and address of the claimant whose objection is being
17 adopted) to identify the objection that is being adopted. **Under this
18 subsection, a separate joinder must be filed for each Watershed File
19 Report objected to.** The joining claimant must verify the assertions
20 contained in the objection which is being adopted. Rule 11, Arizona Rules
21 of Civil Procedure, pertaining to the signing of pleadings, applies to such
22 adopted objections as well as to original objections."¹ (emphasis added).

18 **IT IS ORDERED** taking notice of the May, 28, 1991 Joinder for all contested
19 cases initiated prior to July 6, 1992.

22 ¹ Rules for Proceedings Before the Special Master, Amended effective May 1, 1992, Gila River Adjudication, July
23 6, 1992, Little Colorado River Adjudication.

1 **IT IS FUTHER ORDERED** denying any motion to automatically assume the
2 Joinder is applicable to cases initiated after July 6, 1992. Furthermore, if the parties wish
3 to see the joinder filed in any newly initiated Silver Creek contested case, they are free to
4 file it appropriately with the Clerk of Court.

5 Signed this 4 day of August 2023

6 
7 _____
8 Sherri L. Zendri
9 Special Water Master

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11
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13 On Aug 4, 2023, the original of the foregoing
14 was delivered to the Clerk of the Apache County Superior
15 Court for filing and distributing a copy to all persons listed
16 on the Court-approved mailing list for this contested case.

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18 _____
19 Emily Natale
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