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6	IN THE SUPERIOR COURT	Γ OF THE STATE OF ARIZONA
7	IN AND FOR THE C	COUNTY OF MARICOPA
8		
9	IN RE THE GENERAL ADJUDICATION OF ALL RIGHTS	W-1, W-2, W-3, W-4 (Consolidated)
10	TO USE WATER IN THE GILA RIVER SYSTEM AND SOURCE	
11	KIVER STSTEW AND SOURCE	Contested Case No. W1-11-1511
12		
13		ORDER INITIATING CONTESTED CASE AND SETTING INITIAL
14		CONFERENCE
15	Γ	
16	CONTESTED CASE NAME: In re ASLI	D – Fred and Carol Telles
17	HSR INVOLVED: San Pedro Hydrograp	•
18		of Maricopa County Superior Court is directed
19	am.	e set for Tuesday, October 8, 2024 at 10:00
20	NUMBER OF PAGES: 16	
21	General Explanation	
22	This order opens a case to determ	ine rights to use water on land owned by the
23	Arizona State Land Department ("ASL	D"). The first step in this case is an initial
24		r Tuesday, October 8, 2024 at 10:00 am. to
25		nterested in pursuing water rights claims. The
26		the scheduled initial conference if they plan to
27 28		bear at the initial conference could result in the

dismissal of the case and the loss of water rights associated with the property.

In this case, Fred Telles and Arizona State Land Department ("Claimants") filed Statements of Claimant ("SOCs") 39-3253–55, 39-7462–64, 39-13382–83, and 39-13826. During the initial conference, each landowner and lessee must state whether they intend to pursue water rights claims.

Additional background information on the process for determining water rights in Arizona can be found on Attachment A.

Details of the Case

SOCs 39-3253–55, 39-7462–64, 39-13382–83, and 39-13826 contain various stock watering, stockpond and wildlife claims.

The Arizona Department of Water Resources ("ADWR") investigated the claims within the San Pedro watershed and prepared Watershed File Report ("WFR") 112-15-002, published in the Final San Pedro Watershed Hydrographic Survey Report (1991) ("HSR"). The WFR the following water uses.

Use	Quantity	Location (within Township 14S,		
		Range 22E)		
Stockpond	4.1 acre-feet	SESENW Section 3		
Stockpond	\leq 15 acre-feet	SENENE Section 22		
Stockpond	5.2 acre-feet	SENWNW Section 22		
Stockpond	17.2 acre-feet	SESWNW Section 23		
Stockpond	7.0 acre-feet	SESWSW Section 10		
Stockpond	\leq 15 acre-feet	NESWSW Section 22		
Stock watering	Not reported	NENENW Section 3		
Stock watering	Not reported	NENWNW Section 23		
Stock watering	Not reported	SENESW Section 14		
Stock watering Not reported		NESWNE Section 23		
Stock watering	Not reported	SESWSW Section 10		

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A copy of the WFR is attached as Attachment B.

After ADWR issued the WFR, objections were filed to the findings made in the WFR by ASLD, Gila River Indian Community, San Carlos Apache Tribe, Tonto Apache Tribe, Yavapai-Apache Nation, and Salt River Project. The objections are summarized in the table below:

6	Objector	Summary of Objection(s)
7	Arizona State Land Department	• Statements of Claimant filed not on behalf of the State of Arizona
8		• Allegedly erroneous first use and claim dates
9		• Allegedly erroneous stock watering
10		locations.
11	Gila River Indian Community, San Carlos Apache Tribe, Yavapai-Apache Nation	Allegedly erroneous claim datesWater subject to federal and Indian
12		claims
13		 No claimed water use rate Pagin of right missing:
14		Basis of right missing;
14	Salt River Project	Allegedly erroneous date of first use.

The purpose of this case is to consider the claims in SOCs 39-3253–55, 39-7462–

64, 39-13382–83, and 39-13826 and to resolve the objections to WFR No. 112-15-002.

Claimant and Landowners

WFR 112-15-002 lists the Arizona State Land Department ("ASLD") as the owner
of the property investigated in 1990. According to the WFR, the land investigated
appears to be within ASLD's "KE-Lease" Parcel 5-119068. A map, prepared by ADWR,
showing the approximate area investigated is attached as Attachment C. A map showing
the approximate investigation area in relation to public land parcels is attached as
Attachment D.

The public records of ADWR do not contain any assignments of the SOC listed in
the WFR. Further, landowners do not appear to have filed any additional SOCs since the
issuance of the 1991 HSR.

In order to obtain a decreed water right, a property owner must present to the Court an SOC claiming a water right and evidence of that right. This evidence may include the relevant WFR. Alternatively, the property owners may settle with objectors. If either the property owner proves to the Court the existence of a water right on their property or enters into a valid settlement approved by the Court, the court will recognize enforceable water rights in a "Final Decree." Ariz. Rev. Stat. § 45-257(B).

This is an order from the Court, and all parties must comply with the following
instructions. The failure to obey this, or any, court order may result in the dismissal of
this case and the loss of water rights. If you have questions regarding this Order or any
of the attachments, please contact the General Stream Adjudication, Office of the Special
Water Master, at (602) 372-4115. Please note that staff can only answer administrative
questions and cannot provide legal advice.

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14 **IT IS ORDERED**:

Case Initiation. This order initiates contested case W1-11-1511. This case will resolve claims to use appropriable water asserted in Statement(s) of Claimant 39-3253–55, 39-7462–64, 39-13382–83, and 39-13826 and objections that were filed to Watershed File Report No. 112-15-002

2. Initial Conference. An initial conference shall be held on Tuesday, October 8, 2024 at 10:00 am. to determine whether the current landowner intends to pursue claims for water rights. The conference will be held using the Court Connect program. Instructions for Court Connect are attached as Attachment E. If you receive this Order by email, click on the red box "Join Court Connect Hearing" on the attached instructions to make an appearance. If you do not receive this Order by email, log into the Court Connect program on the internet by typing https://tinyurl.com/specialwatermaster. If you do not have access to the internet, you may attend telephonically using the telephone number and access code

included in the instructions for Court Connect.

3. Parties. The litigants in this contested case are the current landowner, lessees, and all parties who filed objections to the Watershed File Report. The objectors are ASLD, Gila River Indian Community, San Carlos Apache Tribe, Tonto Apache Tribe, Yavapai-Apache Nation, and Salt River Project. **The Arizona State Land Department shall notify relevant lessees of this proceeding.**

4. Objections. Copies of objections filed to this case can be found under the respective case names and numbers on the following website: http://www.superiorcourt.maricopa.gov/SuperiorCourt/GeneralStreamAdjudicati on/whatsNew.asp.

5. Court-Approved Mailing List.

A. The initial Court-approved mailing list for this case shall include
all persons listed on Attachment F to this order. The list may be
modified only by filing a motion with the Special Master to amend
the Court-approved mailing list. Litigants are responsible for using
the current Court-approved mailing list.

B. A copy of any pleading filed with the Clerk of the Maricopa
County Superior Court in this case shall be served upon each person
listed on the Court-approved mailing list.

C. Claimants wishing to be added or removed from the mailing list shall file a motion with the Special Master. Parties allowed to intervene will be automatically added to the Court-approved mailing list.

D. The Clerk of the Court will send copies of all minute entries and orders issued in this case to the parties listed on the Court-approved mailing list.

E. Claimants who would like to receive courtesy copies of minute entries and orders may request inclusion on an email list by sending a request to emily.natale@jbazmc.maricopa.gov. Signed this 10th day of September 2024. Sherri L. Zendri Special Water Master On_ , the original of DOKIU 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, a copy of which is attached, and to all persons listed on the Court-approved mailing list for W1, W2, W3, and W4. ly Natale

ATTACHMENT A

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General Background on the Water Rights Determination Process in Arizona

A general stream adjudication is a judicial proceeding to determine the quantity and priority of all water rights in a river system. Arizona is undertaking general stream adjudications of both the Gila River and the Little Colorado River systems. A river system includes surface water flowing "in streams or other natural channels," groundwater sufficiently connected to that surface water, and water subject to claims by the federal government. Ariz. Rev. Stat. § 45-251(7). Recognizing and respecting water rights and the priority of such rights is important in Arizona where times of drought or water scarcity can occur.

All cases begin with the filing of a "Statement of Claimant," ("SOC") in which a property
owner makes a claim for a right to use surface water on their property. Ariz. Rev. Stat. § 45254(A). This person is the "claimant." The SOCs contain, among other characteristics, a
description of the source and quantity of the water used, the location of use, the location from
which the water was diverted, and the date when the water was first put to use. *Id.* § 45-254(C).

After the property owner files the SOCs, the Arizona Department of Water Resources ("ADWR") prepares a "Watershed File Report," ("WFR") in which ADWR investigates the claims in the SOCs and recommends water rights associated with the property. *Id.* § 45-256(B). ADWR compiles all WFRs for a watershed into a comprehensive Hydrographic Survey Report ("HSR") and publishes the report for public review and comment. In response, other claimants in the Adjudication may file "objections" disputing the information or recommendations in the WFR. The individuals who file objections are called "objectors."

This "contested case", one of thousands in the Gila River System, will evaluate claims asserted in specific Statements of Claimant while considering objections to the WFR that reported ADWR's initial inspection of those claims.

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9 10	АТТА/ШМЕМТ D
10	<u>ATTACHMENT B</u>
12	Watershed File Report
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LAND OWNER		WATERSHED FIL REPORT NUMBER		SEE/ALLO	TEE		LEA	SE-PERMIT	ID	
SLD		112-15-002		LES, FREC	8 CA	ROL	05-	32368		
PHOTO ID - 20-4	(84)	QUAD 1 -	DRAGCON		QU	AD 2	- WINCHE	STER MOUNT	AINS	
APPLICAB		LINGS AN EARLY STATED IN		REES	IGS AN	ID DEC	REES			
FILING NUMBER	FILING STATUS	USES	QUANTITY IN AFA	USE LO	DCATIO TWNP	N RNGE	CLAIM DATE	DIVERSION SECTION	LOCA	TION RNGE
33-0070717	APPLICA.	STOCK	3.00	SENW03	1405	220E	1978	SENW03	1405	220E
33-0089124	CERTIF.	STOCK REC/FISH/WLDLF	.34 .09	SWSW10	1405	220E	1984	SWSW10	140S	220E
33-0094385	PERMIT	STOCK REC/FISH/WLDLF	.31 .07	SWSW22	1405	220E	1989	SWSW22	1405	2208
36-0005269		STOCK REC/FISH/WLDLF	4.10	SENW03	1405	220E	< 1884	SENW03	1405	2201
36-0005270		STOCK REC/FISH/WLDLF	6.40	NWNW22	1405	220E	< 1884	NWNW22	1 40S	220
36-0005271		STOCK REC/FISH/WLDLF	10.29	SWNW23	1405	220E	< 1884	SWNW23	1405	220
36-0005607		STOCK REC/FISH/WLDLF	7.00	SWSW10	1405	220E	< 1884	SWSW10	1405	220
36-0005608		STOCK REC/FISH/WLDLF	. 52	NENE22	1405	220E	< 1884	NENE22	1405	220
36-0041509		STOCK	.33	NENE22	1405	220E	1955	NENE22	140S	220
36-0041510		STOCK					1960			
38-0088614	PROTEST	STOCK REC/FISH/WLDLF	5.20	NWNW22	1405	220E	< 1952	NWNW22	1 40S	220
38-0088680		STOCK REC/FISH/WLDLF	4.10	SENW03	140S	220E	1978	SENW03	1 40 5	220
38-0094631		STOCK REC/FISH/WLDLF	. 52	NENE22	1405	220E	< 1952	NENE22	140S	220
39-0003253	QUE.RECD	STOCK REC/FISH/WLDLF	6.00 .43		1405	220E	1960	NWNW22	1405	220
39-0003254	QUE.RECD	STOCK REC/FISH/WLDLF OTHER	5.00 .50		1405	220E	1979	SENW03	1405	220
39-0003255	QUE.RECD	STOCK REC/FISH/WLDLF OTHER	8.00 2.29	NENWSW23	1405	220E	1955	NENWSW23	1405	220
39-0007462	AMENDED	STOCK REC/FISH/WLDLF	3.69 .41		1405	220E	< 1884	SENW03	1 40S	220
39-0007463	AMENDED	STOCK REC/FISH/WLDLF	4.68 .52		1405	220E	< 1884	NWNW22	1405	220
39-0007464	AMENDED	STOCK REC/FISH/WLDLF	15.48 1.72		1405	220E	< 1884	SWNW23	1 40 S	220
39-0013382		STOCK REC/FISH/WLDLF	6.30 .70		1405	220E	< 1884	SWSW10	140S	220
39-0013383		STOCK REC/FISH/WLDLF	.47 .05		1405	220E	< 1884	NENE22	140S	220
39-0013826		STOCK	2.00				1988			

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APPLICABLE FILINGS AND DECREES (CONTINUED) 112-15-002

CLEARLY STATED INFORMATION FROM FILINGS AND DECREES

FILING NUMBER	FILING STATUS USES	QUANTITY IN AFA SE	USE LOCATION CTION TWNP RNGE	CLAIM DIVERSION LOCATION DATE SECTION TWNP RNGE
39-0014376	STOCK REC/FIS	4.86 6H/WLDLF .54	SWSW22 1405 220E	< 1884 SWSW22 140S 220E
DWR ANAL	YSIS OF F	ILINGS AND	DECREES	
FILING NUMBER	USES CLAIMED OR Referenced	USES FOUND APP BY DWR DIV	PLIES TO VERSIONS APPLIES	TO PWR NUMBERS
33-0070717	STOCK	STOCK	SP001	
33-0089124	STOCK WILDLIFE	STOCK Incidental	SP005	
33-0094385	STOCK WILDLIFE	STOCK INCIDENTAL	SP006	
36-0005269	STOCK WILDLIFE	STOCK Incidental	SW001	
36-0005270	STOCK WILDLIFE	STOCK Incidental	SW003	
36-0005271	STOCK WILDLIFE	STOCK Incidental	SW004	
36-0005607	STOCK WILDLIFE	STOCK Incidental	S₩005	
36-0005608	STOCK WILDLIFE	STOCK Incidental	SW002	
36-0041509	STOCK	STOCK	SP002	
36-0041510	STOCK	STOCK	SP003	
38-0088614				
38-0088680	STOCK WILDLIFE	STOCK Incidental	SP001	
38-0094631	STOCK WILDLIFE	STOCK Incidental	SP002	
39-0003253	STOCK WILDLIFE	STOCK Incidental	SP003	
39-0003254	STOCK WILDLIFE OTHER	STOCK INCIDENTAL NONAPPROPRIABLE	SP001	
39-0003255	STOCK WILDLIFE OTHER	STOCK INCIDENTAL NONAPPROPRIABLE	SP004	
39-0007462	STOCK WILDLIFE	STOCK Incidental	SP001,S	W001
39-0007463	STOCK WILDLIFE	STOCK Incidental	SP003,S	W003
39-0007464	STOCK WILDLIFE	STOCK Incidental	SP004,5	W004
39-0013382	STOCK WILDLIFE	STOCK Incidental	SP005,S	W005
39-0013383	STOCK WILDLIFE	STOCK Incidental	SP002,S	W002
39-0013826	STOCK	STOCK	SP006	
39-0014376	STOCK	STOCK	SP006	

DWR ANALYSIS OF FILINGS AND DECREES (CONTINUED) 112-15-002

FILING NUMBER	USES CLAIMED OR Referenced	USES FOUND By DWR	APPLIES TO DIVERSIONS	APPLIES TO PWR NUMBERS
39-0014376	WILDLIFE	INCIDENTAL		

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PWR #	LOCATION SECTION TWNP	RNGE	SUPPLIED BY DIVERSIONS	WATER	SOURCES	PHOTO Date	SOURCE CHANGE	FACILITY	NAME
SW001 SW002 SW003 SW004 SW005	NENENWO3 140S NENWNW23 140S SENESW14 140S NESWNE23 140S SESWSW10 140S	220E 220E 220E		SURFAC SURFAC SURFAC	CE WATER CE WATER CE WATER CE WATER CE WATER CE WATER		NO NO NO NO NO	INSTREAM INSTREAM INSTREAM INSTREAM INSTREAM	ŬŜĒ USE USE

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LOCATION PWR # SECTION TWNP R	SUPPLIED BY	WATER SOURCES	PHOTO DATE RESERVOIR NAME	STORAGE PURPOSE
SP001 SESENW03 1405 2	20E	SURFACE WATER	1979 THREE OAKS TANK	STOCKWATERING WILDLIFE EROSION CNTRL
SP002 SENENE22 140S 2	20E	SURFACE WATER	1972 ROAD CATCHMENT TANK	STOCKWATERING WILDLIFE
SP003 SENWNW22 140S 2	20E	SURFACE WATER	1972 FAR WEST TANK	STOCKWATERING WILDLIFE
SP004 SESWNW23 140S 2	20E	SURFACE WATER	1972 BIG TANK	STOCKWATERING WILDLIFE
SP005 SESWSW10 140S 2	20E	SURFACE WATER	BOOMERANG TANK	EROSION CNTRL STOCKWATERING
SP006 NESWSW22 140S 2	20E	SURFACE WATER	CORNER FENCE TANK	WILDLIFE STOCKWATERING WILDLIFE

PWR SUMMARY

₽₩R ≢	APPLICABLE ADJ FILINGS	APPLICABLE PRE FILINGS	*APPARENT FIRST USE DATE* DATE BASIS FOR DATE	WATER SOURCES AND CLASSIFICATIONS
SP001	39-0003254 39-0007462	33-0070717 38-0088680	1978 33-70717 & 38-88680	SURFACE WATER: SAN PEDRO RIVER
SP002	39-0013383	36-0041509 38-0094631	1952 FILING 38-94631	SURFACE WATER: SAN PEDRO RIVER
SP003	39-0003253 39-0007463	36-0041510	1960 FILING 36-41510	SURFACE WATER: SAN PEDRO RIVER
SP004	39-0003255 39-0007464	NONE	1977 1977 AERIAL PHOTO	SURFACE WATER: SAN PEDRO RIVER
SP005 SP006	39-0013382 39-0013826 39-0014376	33-0089124 33-0094385	1984 FILING 33-89124 1989 FILING 33-94385	SURFACE WATER: SAN PEDRO RIVER Surface Water: San Pedro River
SW001 SW002 SW003 SW004	39-0007462 39-0013383 39-0007463 39-0007464	36-0005269 36-0005608 36-0005270 36-0005271	1884 FILING 36-5269 1884 FILING 36-5608 1884 FILING 36-5270 1884 FILING 36-5271	SURFACE WATER: SAN PEDRO RIVER SURFACE WATER: SAN PEDRO RIVER SURFACE WATER: SAN PEDRO RIVER SURFACE WATER: SAN PEDRO RIVER
SW005 NONE	39-0013382 NONE	36-0005607 38-0088614	1884 FILING 36-5607	SURFACE WATER: SAN PEDRO RIVER

QUANTITIES OF USE

₽₩R ≢	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
SP001 SP002 SP003 SP004 SP005 SP006 SW001	MAX. AREA/CAP MAX. AREA/CAP MAX. AREA/CAP MAX. AREA/CAP MAX. AREA/CAP MAX. AREA/CAP	.9 LT 2.0 1.6 2.9 1.3 LT 2.0				4.1 AF LTE 15.0 AF 5.2 AF 17.2 AF 7.0 AF LTE 15.0 AF	SEE VOLUME 1 -
SW001 SW002 SW003							GENERAL ASSESSMENT SEE VOLUME 1 - GENERAL ASSESSMENT SEE VOLUME 1 -

QUANTITIES OF USE (CONTINUED)

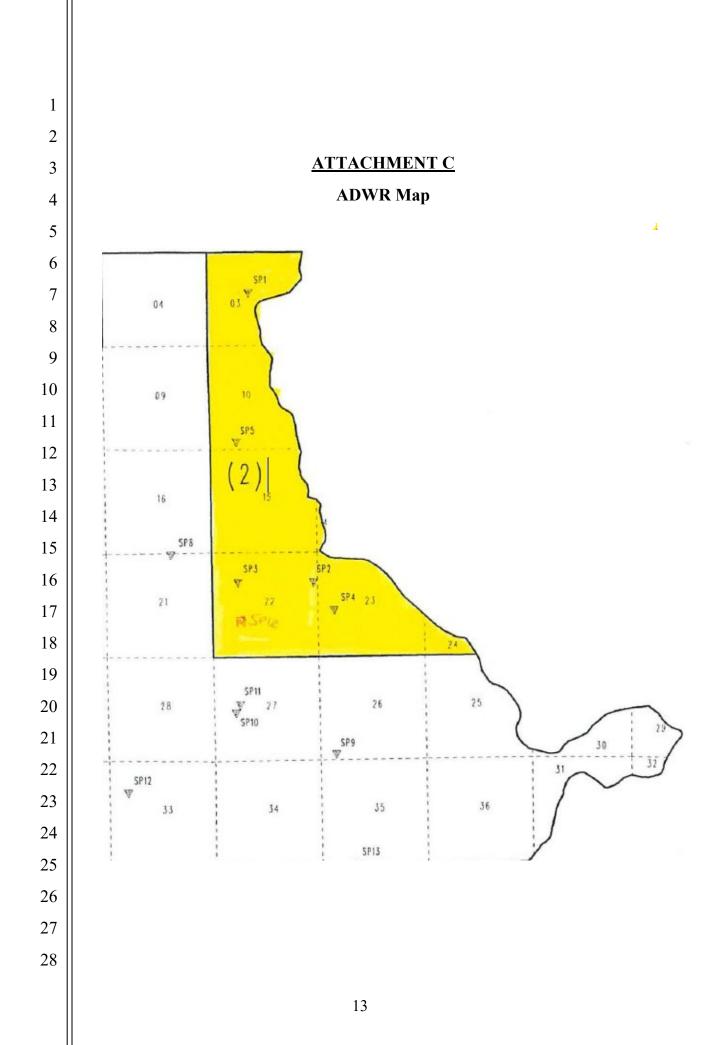
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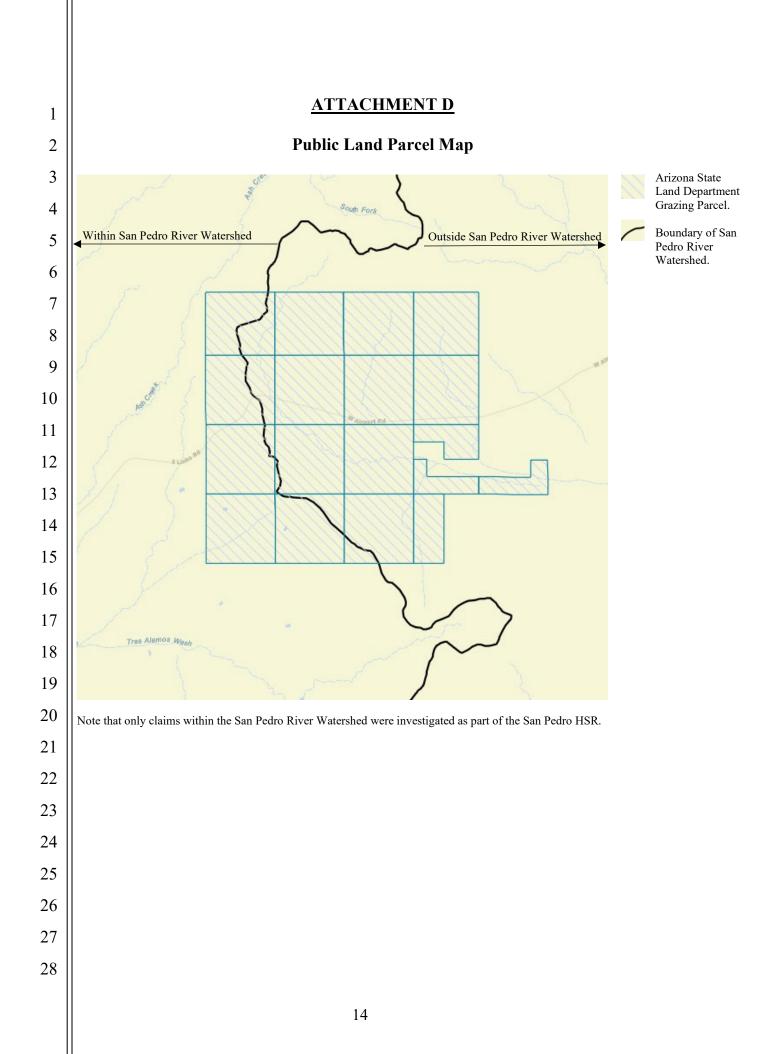
v

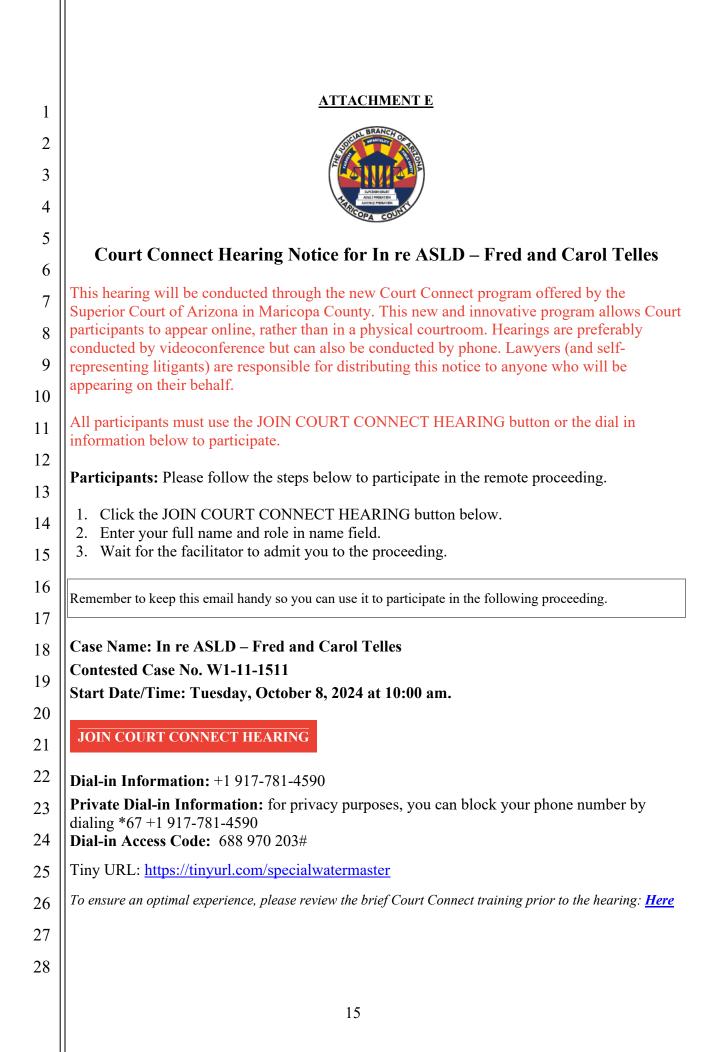
112-15-002

PWR #	QUANTIFICATION TYPE	ACRES	CROP TYPE	EFF	WATER DUTY	ESTIMATED VOLUME	REMARKS
SW004 SW005							GENERAL ASSESSMENT SEE VOLUME 1 - GENERAL ASSESSMENT SEE VOLUME 1 - GENERAL ASSESSMENT
ЕХР	LANATION						
FILI FILI INFO FILI IS FILI	S AND DECREES ING 38-88614 - F INGS 39-3253, 39 ORMATION PREVIOUS INGS 39-3254 & 3 CONSIDERED TO BE ING 39-14376 - C CKPOND IN 1989.	-3254 & 39 SLY PROVIC 9-3255 - (A NONAPPE)-3255 - UNIF DED IN THE OR LAIM EROSION ROPRIABLE USE	ORM C IGINA CONT	IL STATEMENTS O ROL AS AN "OTH	F CLAIMANT. ER" WATER USE.	EROSION CONTROL
SP1 SP2 SP3 SP4 SP5 SP6 SW1 SW2 SW3 SW4	AND RESERVOIRS - THREE OAKS TA - ROAD CATCHMEN - FAR WEST TANK - BIG TANK STOC - BOOMERANG TAN - CORNER FENCE - INSTREAM STOC - INSTREAM STOC - INSTREAM STOC - INSTREAM STOC - INSTREAM STOC	T TANK STO STOCKPOND. K STOCKPON K STOCKPON TANK STOCKPON KWATERING KWATERING KWATERING	OCRPOND. D, AKA SOUTHW ND. AND WILDLIFE AND WILDLIFE AND WILDLIFE AND WILDLIFE	USE USE USE	5 FROM THREE OA 5 FROM SOAPWEED 5 FROM FAR WEST 5 FROM BIG TANK	WASH. TANK WASH. WASH.	
	ITIES OF USE - FILING 33-891	24 STATES	A CERTIFICAT	ED S	FOCKOND CAPACIT	Y OF 1.90 ACRE	-FEET.
DISPOS	SITION OF LAND O	WNER/CLAII	MANT COMMENTS	;			

DISPOSITION OF LAND OWNER/CLAIMANT COMMENTS COMMENTS WERE RECEIVED FROM THE LAND OWNER WHICH STATED THAT SEVERAL FILINGS SHOULD BE ADDED TO THIS W.F.R. THESE FILINGS HAVE BEEN INCLUDED AND MATCHED TO THE APPROPRIATE POTENTIAL WATER RIGHTS (P.W.R.'S).







1	<u>ATTACHMENT F</u>	
2	Initial Court-Approved Mailing List	
3	Arizona Department of Water Resources	Joe P. Sparks and Laurel A. Hermann
4	Kimberly R. Parks and Karen J. Nielsen 1110 West Washington, Suite 310	The Sparks Law Firm, P.C. 7503 First Street
5	Phoenix, AZ 85007	Scottsdale, AZ 85251-4573
6	Clerk of the Superior Court	Jeremiah Weiner, Brett J. Stavin, & Jay Lee
7	Maricopa County Attn: Water Case	Rosette, LLP.
8	601 West Jackson St. Phoenix, AZ 85003	120 S. Ash Avenue, Suite 201 Tempe, AZ 85281
9	Special Master Sherri Zendri	Susan B. Montgomery, Robyn Interpreter,
10	Superior Court of Arizona	Montgomery & Interpreter PLC
11	201 W. Jefferson Street Courtroom 301	3301 E Thunderbird Road Phoenix, AZ 85032
12	Phoenix, AZ 85003	Gila River Indian Community
13	David Jacobs, Kevin Crestin, &	Javier Ramos and Sunshine Manuel
14	Eric Wilkins Arizona Attorney General Natural	Office of the General Counsel P.O. Box 97
15	Resources Section 2005 North Central Phoenix, AZ 85004	Sacaton, AZ 85147
16		Merrill C. Godfrey and Brette A. Pena
17	Salt River Project J. B. Weldon, M. A. McGinnis, M. K. Foy	Akin Gump Straus Hauer & Feld LLP 2001 K Street, N.W.
18	Salmon, Lewis & Weldon 2850 E. Camelback Rd. Suite 200 Phoenix,	Washington, DC 20006
19	AZ 85016	Fred Telles
20	Alexander B. Ritchie	RR #1 Box 1560 Willcox, AZ 85643
21	San Carlos Apache Tribe Office of the Attorney General	
22	PO Box 40	
23	San Carlos, AZ 85550	
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