

SUPERIOR COURT OF ARIZONA
APACHE COUNTY
MARICOPA COUNTY

03/30/2011

CLERK OF THE COURT
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

R. Tomlinson
Deputy

COPY

FILED: 04/04/2011

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

CV-6417

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

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

In Re Gila River Adjudication Steering
Committee and Little Colorado River
Adjudication Settlement Committee
Meeting

MINUTE ENTRY

The Court has reviewed the requests to set a meeting of the Gila River Adjudication Steering Committee and the Little Colorado River Adjudication Settlement Committee to discuss and consider the possible adoption of a special procedural order for review and approval of non-Indian water rights settlements. The Court sees merit in adopting an order that will facilitate settlement negotiations but believes that the same order should be adopted for both general stream adjudications.

A. Gila River Adjudication Steering Committee

The Gila River Adjudication Steering Committee consists of the following members appointed by order filed on April 14, 2010:

1. William H. Anger
2. F. Patrick Barry
3. David A. Brown
4. M. James Callahan

5. Lauren J. Caster
6. Cynthia M. Chandley
7. Theresa M. Craig
8. John T. Hestand
9. M. Richard Mabery
10. William W. Quinn, Jr.
11. Joe P. Sparks, and
12. John B. Weldon, Jr.

The committee has not selected a chair as the new appointees have not met. The Court directed that:

“The steering committee shall select a chair who shall serve for a term not to exceed two consecutive years. The chair shall act as moderator and reporter of the committee responsible for producing minutes and reports of the committee.”

On October 13, 2010, the Court approved the substitution of Mr. Hestand as counsel of the Gila River Indian Community by Messrs. Linus Everling and Thomas L. Murphy. The Court will ask Messrs. Everling and Murphy to decide who will substitute Mr. Hestand on the Steering Committee.

Concerning committee meetings and notice, the Court directed that the Arizona Department of Water Resources (“DWR” or “ADWR”):

[S]hall provide meeting space if requested, and technical and administrative support to the committee to the extent DWR has the necessary resources....

The chair shall prepare the notice of steering committee meetings. The DWR shall file the notice of each steering committee meeting with the Court and shall mail a copy of the notice to each member of the committee. Notice of the committee meetings shall be given to all parties in the same manner as notice must be given of other documents filed in this action pursuant to section 5 of Pre-Trial Order No. 1.

B. Little Colorado River Adjudication Settlement Committee

The Special Master has informed the Court that the Settlement Committee consists of members appointed pursuant to Pre-Trial Order No. 1 Re: Conduct of Adjudications ¶ 8 (April 24, 1987) and several orders issued thereafter. The members of the committee and the parties they represent are the following:

1. Stephen G. Bartell (United States)
2. David A. Brown (Aztec Land & Cattle Company, Bar-T-Bar Ranch, City of Winslow, and other claimants)
3. Lauren J. Caster (Catalyst Paper (Snowflake) Inc.)
4. Cynthia M. Chandley (Freeport-McMoRan Corporation successor of Phelps Dodge Corporation)
5. Theresa M. Craig (State of Arizona)
6. Marcus G. Jerden (Tucson Electric Power Company)

7. Stanley M. Pollack (Navajo Nation)
8. Harry R. Sachse (Hopi Tribe)
9. Pete Shumway (Counties of the Little Colorado River Adjudication)
10. L. William Staudenmaier (Arizona Public Service)
11. Lee A. Storey (City of Flagstaff)
12. John B. Weldon, Jr. (Salt River Project)
13. Vanessa Boyd Willard (United States), and a
14. Representative of ADWR.

In 1987, Mr. Sachse was appointed to chair the committee. He has informed the Special Master that in recent years, Mr. Reid Peyton Chambers, a member of Mr. Sachse's law firm, has undertaken the representation of the Hopi Tribe in the Settlement Committee's activities.

The Court is aware that as negotiations have progressed others have participated in various aspects of the committee's work. The foregoing attorneys have been appointed to the committee by court order to represent the listed parties.

Mr. Sachse informed the Special Master that Mr. Douglas K. Miller of the Central Arizona Project is participating in the committee's current meetings.

Based upon the foregoing, **IT IS ORDERED:**

1. Directing any claimant who wishes to respond to the request to file a response on or before **May 20, 2011**.
2. No replies shall be filed.
3. The members of the Gila River Adjudication Steering Committee and of the Little Colorado River Adjudication Settlement Committee shall meet on or before **June 10, 2011**, on a date, time, and place of their choosing, designate a chair, and discuss and consider the requested special procedural order. The Arizona Department of Water Resources should provide meeting space if requested.
 - A. As the former chair, Mr. Callahan is directed to prepare the notice of the Steering Committee's meeting.
 - B. Ms. Ronald may attend both meetings, although the Court understands that in her position she cannot serve as a member of the Settlement Committee.
4. Mr. Hestand shall be replaced on the Gila River Adjudication Steering Committee by either Mr. Linus Everling or Mr. Thomas L. Murphy, who shall decide between themselves who will be the single member of the committee on behalf of the Gila River Indian Community.
5. The chair of each committee shall promptly advise the Court of the recommendations concerning the adoption of the requested special procedural order. The committees may submit recommendations concerning the future process for adoption of a special procedural order. The Court plans to provide a period of sixty days for other

parties to comment concerning the committees' proposed draft of a special procedural order and recommendations.

6. The chair of each committee shall inform the Court of the names of the members of the committee and the parties each represents. The committee may recommend the addition, removal, or substitution of members.

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 lists for the Gila River Adjudication, W-1, W-2, W-3, W-4 (Consolidated), and the Little Colorado River Adjudication, Civil No. 6417, both dated January 12, 2011.