

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

10/30/2009

CLERK OF THE COURT
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

R. Tomlinson
Deputy

FILED: November 16, 2009

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

In Re Navajo Nation's Motion for Clarification CV-6417

In Re Catalyst Paper (Snowflake) Inc.'s
Suggestion Regarding Additional Briefing

MINUTE ENTRY

2:09 p.m. This is the time set for a Hearing to consider the Navajo Nation's Motion for Clarification and Catalyst Paper (Snowflake) Inc.'s Suggestion Regarding Additional Briefing. Appearing telephonically are: Assistant Attorney General, Theresa M. Craig, on behalf of the State of Arizona; John B. Weldon, Jr. on behalf of Salt River Project; Janet L. Ronald for the Arizona Department of Water Resources ("ADWR"); Colin Cloud Hampson for the Hopi Tribe; Lauren J. Caster and Gregory L. Adams for Catalyst Paper (Snowflake) Inc.; Scott B. McElroy and Daniel E. Steuer on behalf of the Navajo Nation; Jenny J. Winkler on behalf of Arizona Public Service and Freeport McMoRan Copper and Gold; David A. Brown on behalf of various Little Colorado River Adjudication claimants; Vanessa Boyd Willard and Andrew "Guss" Guarino with the U.S. Department of Justice on behalf of the United States. Special Water Master, George A. Schade, Jr. is present.

Court reporter, Kim Hannan, is present as well as a record of the proceedings being made by audio and/or videotape.

The Court clarifies the issues to be addressed during today's proceeding. They are 1) Catalyst Paper's suggestion that the Court set a time to address the issue regarding attributes of the water uses related to certain land that the Hopi Tribe obtained from the United States, 2) whether prior orders of the Court concerning the work undertaken by ADWR in preparing HSRs and the statutory scheme of Title 45, with overlays of pronouncements in the *Gila V* decision, create ambiguity or inconsistency with respect to

what ADWR is to undertake, and 3) whether the prior orders create a problem with respect to claimants who would challenge asserted claims, if those claims relate to work the Court has directed ADWR not to do.

Discussion ensues with respect to the legal question presented in Catalyst Paper (Snowflake) Inc.'s Suggestion Regarding Additional Briefing.

Argument is presented by Messrs Hampson, McElroy and Caster.

IT IS ORDERED that motions for summary disposition shall be filed and served not later than **August 19, 2010**. Responses thereto shall be filed and served not later than **September 29, 2010**, with the replies to be filed and served not later than **October 29, 2010**. **Note: A separate minute entry shall issue in this regard.**

Discussion is held with respect to the provisions in prior orders of the Court that dealt with directions to ADWR as to the scope of the work to be undertaken, specifically future water uses, as well as the request to limit or restrict the scope of work currently being undertaken by the Special Master. Mr. Hampson and Mr. McElroy present their positions to the Court. The Court's findings and conclusions in regards to these matters shall issue in the separate minute entry referenced herein.

3:00 p.m. Matter concludes.

A copy of this order is mailed to all parties on the Court-approved mailing list for the Little Colorado River Adjudication Civil No. 6417, dated July 27, 2009.