

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

11/29/2006

CLERK OF THE COURT
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

M. L. Smith
Deputy

CV-6417

FILED: 12/08/06 8:00 a.m.

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

ORDER

The Court continues to be concerned about the lack of sufficient resources available to the Arizona Department of Water Resources ("ADWR" or the "Department") to permit the agency to complete the important work required for this state's water adjudications to address pending claims. The Court assumes that ADWR's recent legislative appropriation will permit the Department to hire additional staff dedicated to adjudication work. Only by rebuilding ADWR adjudication dedicated personnel to levels last present during the 1990s can the Court be in a position to move pending matters forward on a reasonable timeline.

In order to evaluate the level of resources available for adjudication work,

IT IS ORDERED, ADWR is directed to prepare a report for the Court due on or before January 31, 2007, treating with the following topics:

1. These adjudications demand devotion of technical staff to work on projects whose completion is requisite to resolving water claims that have been pending for approximately twenty-five years. What steps are in progress to add the substantial number of employees needed immediately to work solely on adjudication projects?

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2. What steps have been taken, or will be taken in the immediate future to create a specific unit within ADWR to work exclusively on adjudication issues?

3. What additional funding is needed for ADWR to create a unit of at least ten technical personnel working on nothing other than adjudication issues and what plan does the Department have for achieving this goal?

4. The Court does not intend to suggest that the Department is the cause of project delays experienced by the adjudications. But, if ADWR does not believe that the creation of a unit dedicated to adjudication projects is required or appropriate, how are the projects already identified by the Court, as well as those that ADWR is aware will need to be addressed after current projects are finished, going to be completed prior to these adjudications celebrating the fact they have pended for 40 years?

5. What actions need to occur to ensure that the Hopi Reservation Hydrographic Survey Report, the San Pedro River Watershed subflow zone map, and any necessary technical work in the Fort Huachuca, PWR 107 Claims, and San Pedro Riparian National Conservation Area contested cases can be completed in a relatively short period of time and what is ADWR's belief as to what are appropriate timelines for completion of these projects?

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A copy of this minute entry is mailed to all parties on the Court-approved mailing list for CV 6417 dated July 7, 2006.