

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

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

W-1 (Salt)  
W-2 (Verde)  
W-3 (Upper Gila)  
W-4 (San Pedro)  
Consolidated

**City of Phoenix's Objection to Notice of Appearance**

The City of Phoenix has asked the Court to reject the Notice of Appearance filed by the City of Sedona and the Towns of Clarkdale and Camp Verde, and to require filing of a correct notice of appearance by the Towns of Cottonwood and Jerome to include their statement of claimant numbers.

The Cities of Cottonwood and Sedona and the Towns of Camp Verde, Clarkdale, and Jerome filed objections to ADWR's Subflow Technical Report, and in their objections they included their statement of claimant numbers for claims filed or pending assignment. The five communities identified their statements of claimant, some of which were recently filed.

IT IS ORDERED that the Cities of Cottonwood and Sedona and the Towns of Camp Verde, Clarkdale, and Jerome will not be required to file an amended notice of appearance, but they shall file all future pleadings in this adjudication in compliance with Section 5(B)(4)(a)(3 and 4) of Pretrial Order No. 1, entered on May 29, 1986. The City of Phoenix's motion is otherwise deemed moot.

**Comments Filed by Certain Other Claimants or Parties to  
ADWR's Subflow Technical Report**

The Court has reviewed the comments and responses filed to the Arizona Department of Water Resources' Subflow Technical Report, San Pedro River Watershed.

The City of Flagstaff; City of Safford; DYM, Inc.; Painted Rock Ranches; Paloma Ranch Investments, Inc.; Rio Rico Properties, Inc.; Tonopah Irrigation District; City of Sierra Vista; and Valory Strausser on behalf of a group named "Lower

San Pedro River Landowners" filed comments to the Subflow Technical Report. The comments did not identify the statements of claimant, if any, that these parties or individuals have either filed or hold by assignment or change of ownership. Furthermore, there is no indication that Ms. Valory Strausser sent a copy of the comments to the persons on the Gila River Adjudication Court-Approved Mailing List.

Section 5(B)(4)(a) of Pretrial Order No. 1 states as follows:

"A party to this action shall:

1. File the original of a document permitted or required to be filed in this action with the Clerk of Superior Court for Maricopa County, provide one copy of the document to the Court, two (2) copies to the DWR and one copy to each party against whom the matter is addressed or from whom relief is sought.
2. Mail a copy to each party on the Court's approved mailing list of each document other than the Statement of Claimant Form.
3. For each document filed in this action, set forth immediately after the caption a descriptive summary of the document.
4. For each document filed set forth, immediately below the descriptive summary, the part[y's] identifying Statement of Claimant number."

The Arizona Supreme Court upheld the procedures set forth in Pretrial Order No. 1 in *Gila I*, 171 Ariz. 230, 830 P.2d 442 (1992). The requirements of Section 5(B)(4)(a) are necessary for the efficient processing of pleadings, and they are in effect. Pretrial Order No. 1 is available online on the Internet at <http://www.supreme.state.az.us/wm> on the Gila River Adjudication page.

IT IS ORDERED:

1. When filing pleadings in this matter and in contested cases before the Special Master, all claimants and parties shall comply with the requirements of Section 5(B)(4)(a) of Pretrial Order No. 1. Recognizing that the United States and the State of Arizona have hundreds of statements of claimant, the Court will relieve them from complying with this requirement except in proceedings related to specifically

identified claims, and the number of claims is reasonably limited.

2. The City of Flagstaff; City of Safford; DYM, Inc.; Painted Rock Ranches; Paloma Ranch Investments, Inc.; Rio Rico Properties, Inc.; Tonopah Irrigation District; City of Sierra Vista; and the Lower San Pedro River Landowners shall file on or before Friday, November 1, 2002, a notice identifying their respective statements of claimant or their intended steps to file claims.
3. A copy of this order shall be mailed to Valory Strausser, 16380 San Pedro River Road, Benson, Arizona 85602, so there is awareness of the order. By this action, the Court is not placing either Ms. Strausser's name and address or that of the Lower San Pedro River Landowners on the Gila River Adjudication Court-Approved Mailing List.

**Request of the Lower San Pedro River Watershed Community to be placed on the Gila River Adjudication Court-Approved Mailing List**

A letter signed by Apryl K. Brown, who is "a representative of the Lower San Pedro River Watershed Community," was filed with the Clerk of the Court. The letter requests that this "group" be placed on the Gila River Adjudication Court-Approved Mailing List.

It does not appear that a copy of the letter was sent to all persons on the Court-approved mailing list. Section 6 of Pretrial Order No. 1 states in pertinent part that:

"All parties desiring to...be placed on the Court's approved mailing list may do so by filing a written request with the Court...Copies of the request shall be mailed to all persons then on the mailing list, stating the intention to take an active part in the litigation, its need to be on the approved mailing list and to receive all copies, and an agreement to serve on such steering committees as shall hereafter be formed."

Furthermore, the Court does not know if this group is the same one named in Ms. Valory Strausser's letter; if the entity is a party or claimant in the Gila River Adjudication; or if the

group's members are parties or claimants, and if so, in what capacity will the group act on behalf of its members.

IT IS ORDERED that Apryl K. Brown or a representative of the Lower San Pedro River Watershed Community shall inform the Court on or before Friday, November 1, 2002, if the group is a party or claimant in the Gila River Adjudication; or if its members are parties or claimants in the adjudication; and if so, in what capacity will the group act on behalf of its members; and to identify the required statement of claimant numbers in accordance with Section 5(B)(4)(a) of Pretrial Order No. 1. A copy of the filing shall be served on all persons on the Gila River Adjudication Court-Approved Mailing List. The Court will then consider the request to be placed on the mailing list.

**Gila Steering Committee and Status Conference  
Before the End of this Year**

The Court would like to hold a status conference before the end of the year to identify claims or issues that can or should be addressed during the next two years and to discuss scheduling of those matters before this Court or the Special Master. For that purpose, the Court would like the Gila Steering Committee to meet and discuss possible courses of action and file a report at least ten days before the status conference.

The Court wishes to hear from the Chair of the Steering Committee as to when the Committee could submit a report giving its comments as to which claims or issues can or should be addressed during the next two years and to discuss scheduling of those matters. After the report is filed, the Court will set a date for a status conference before the end of this year.

IT IS ORDERED that the Chair of the Gila Steering Committee shall inform the Court not later than Friday, October 18, 2002, as to when the Steering Committee could file a report in accordance with the foregoing so that the Court can set a status conference before the end of this year.

/s/ Eddward P. Ballinger, Jr.  
The Honorable Eddward P. Ballinger, Jr.  
Judge of the Superior Court  
September 26, 2002

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A copy of this order is mailed to all parties on the Court-approved mailing list for W-1, W-2, W-3, and W-4 dated July 16, 2002, to Valory Strausser at 16380 San Pedro River Road, Benson, AZ 85602, and to Apryl K. Brown at 38674 Redington Road, Benson, AZ 85602.