

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

08/30/2005

CLERK OF THE COURT
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

R. Luiszer/M. Wetherell
Deputy

CV-6417

FILED: 9-02-2005

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

In re Status Hearing

MINUTE ENTRY

IT IS ORDERED setting a status hearing on **October 18, 2005,**
at 9:30 a.m., in the Apache County Courthouse, St. Johns,
Arizona.

At the status hearing, the Court will consider the
following matters:

1. A report by the Arizona Department of Water Resources ("ADWR") as to the status of the Hopi Tribe Hydrographic Survey Report and a timeline for the report's completion and submission.
2. A report from the parties as to the status of settlement negotiations and their expectations.
3. Whether there are claims that can be expeditiously adjudicated in light of the dismissal of the contested case concerning Phelps Dodge Corporation's water right claims to Show Low Lake.

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4. Whether the Court should hold a hearing to consider if it should approve any or all of the findings of fact and conclusions of law set forth in the "Memorandum Decision, Findings of Fact, and Conclusions of Law for Group 1 Cases Involving Stockponds, Stockwatering, and Wildlife Uses" (the "Memorandum Decision") that Special Master Thorson filed on April 20, 1994.

With respect to the last topic, the Memorandum Decision dealt primarily with the following issues:

- Should the Court summarily adjudicate certain water uses deemed to be *de minimis*?
- If a summary adjudication procedure is adopted, what criteria should be used to determine whether a water use qualifies as *de minimis*?
- What person or entity should be deemed the owner of a water right located on federal public land or state trust land?
- How should ADWR report and the Court consider pending administrative surface water rights filings that are associated with statements of claimant?

If the Court deems it advisable to consider taking up some or all of Special Master Thorson's findings and conclusions regarding the foregoing, a briefing schedule and hearing date will need to be set. Interested parties should be prepared to discuss their views of these matters.

The Court directs the Special Master to post a copy of the Memo Decision on the Special Master's web site.

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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 June 15, 2005.