

SUPERIOR COURT OF ARIZONA  
APACHE COUNTY

07/20/2004

CLERK OF THE COURT  
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

R. Luiszer  
Deputy

CV-6417

FILED: August 3, 2004

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

MINUTE ENTRY

On November 22, 2002, the State of Arizona filed a Motion for Partial Summary Judgment in the Little Colorado River Adjudication seeking an order from this court declaring that the approximately 8.8 million acres of land currently held in trust by the State, which was acquired by way of various grants from the United States government, possess federal reserved water rights in accordance with the principles recognized in *Winters v. United States*, 207 U.S. 564 (1908), *Arizona v. California*, 373 U.S. 546 (1963) and *Cappaert v. United States*, 426 U.S. 128 (1976). The State requested that the court set a briefing schedule and oral argument on its motion.

Several parties filed responses in support and in opposition to the State's requests. On March 6, 2003, the court deferred consideration of the motion until the first general hearing held in the Little Colorado River Adjudication during 2004.

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At a recent hearing, the court informed the parties that it believed the State's motion, if granted, could have significant impact on both of Arizona's pending adjudications. Accordingly, the court instructed the State to file its motion (and the accompanying request for oral argument and a briefing schedule) in the Gila River Adjudication. The State filed its requests on June 21, 2004.

To ensure that all potentially affected claimants in both adjudications are given adequate notice of the relief requested and an opportunity to be heard,

IT IS ORDERED, that a joint status hearing for claimants in the Little Colorado River Adjudication and the Gila River Adjudication will be held on October 1, 2004 at 1:30 p.m. in the Central Court Building, Courtroom 402, 201 West Jefferson Avenue, Phoenix, Arizona, to consider whether the court will set oral argument and a briefing schedule on the State's Motion for Partial Summary Judgment declaring Federal Reserved Water Rights for State Trust Lands.

IT IS FURTHER ORDERED,

1. Immediately following the joint hearing scheduled above, the court will meet with the Little Colorado River Adjudication Settlement Committee. Topics to be discussed at this meeting include:
  - a. Committee prospects for significant contribution to the meaningful settlement of claims.
  - b. If the committee remains a viable entity, who should become or remain a committee member? Who should chair the committee?
  - c. Means for providing for more aggressive informal resolution on non-Indian tribe federal claims.
  - d. Methods for fostering resolution of claim disputes between Indian tribes.

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e. Consideration of a replacement settlement facilitator to promote informal resolution of claims, and the proper method of generating funds to cover the costs associated with use of a facilitator.

2. That retired Judge Michael Nelson shall be removed from the court-approved mailing list.

\* \* \* \*

A copy of this minute entry is mailed to all parties on the Court-approved LCR mailing list dated October 6, 2003.