

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

9/13/07

CLERK OF THE COURT
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

L. NEVENHOVEN
Deputy

W-1, W-2, W-3, W-4 (Consolidated)

Contested Case No. W1-207

FILED: September 13, 2007

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

In Re Proposed Gila River Indian
Community Settlement Proceedings

MINUTE ENTRY

The Court has reviewed the Lower Gila Water Users' Response and Objection to the Revised Proposed Judgment and Decree lodged by the parties seeking approval of the Gila River Indian Community's water rights settlement agreement, the Reply filed by several of those parties and the Response of Phelps Dodge Corporation and Roosevelt Water Conservation District ("RWCD").

The objections fall into two main categories. The first category includes complaints based upon the belief that the proposed judgment is only to include references to matters considered and decided on August 20, 2007. The Court disagrees. Approval of the settlement agreement has been a long process that has involved numerous hearings and consideration of many issues on various dates. The form of judgment appropriately reflects these activities.

The second category of objections appears to be based upon the belief that the judgment needs to mention specifically a number of things the approval of the settlement agreement does not signify (specifically, matters related to alleged rights and entitlements held by the Lower Gila Water Users). The Court does not disagree with the Lower Gila Water Users' assertion that a basis for the Court's approval of the settlement agreement was the finding (and the Community's acknowledgement) that their rights were not to be prejudiced by the approval other than to the extent of the findings made by the Court in connection with the limited scope of the review mandated by the Arizona Supreme Court. But the Court does not believe these recitations (nor the ones proposed by those seeking approval of the settlement agreement that refer to rights

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purportedly set forth in specific sections of the Globe Equity Decree) are required to be included in the judgment approving the settlement agreement.

There was an additional objection related to a late discovery disclosure concerning the RWCD. From reviewing the allegations, the Court determined that while there may need to be a consequence if there was a failure to comply with applicable discovery rules, any defect did not relate to the purpose of the August 20, 2007 hearing, which focused on the amount of water from the Gila River system and source to be granted to the Gila River Indian Community under the terms of the settlement agreement.

IT IS ORDERED overruling the objections except to the extent reflected in the Court's revisions to the form of judgment previously lodged.

IT IS FURTHER ORDERED signing this minute entry as a formal Order of the Court.

/s/ Eddward P. Ballinger, Jr.
JUDICIAL OFFICER OF THE SUPERIOR COURT

A copy of this order is mailed to all parties on the Court-approved mailing list for Contested Case No. W1-207 dated July 26, 2007.