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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

ORDER OF APPOINTMENT AND
REFERENCE

THIS MATTER COMING before the Court on its own motion to appoint a Special Master and issue an order of reference specifying the Special Master's duties in this proceeding;

THE COURT FINDS that:

1. This Court, under authority of ARIZ. REV. STAT. § 45-255 (Supp. 1999) and ARIZ. R. CIV. P. 53, has appointed **George A. Schade, Jr.** as Special Master in this proceeding. Employment is to begin effective March 5, 2001. The Special Master is eligible to participate in the Elected Officials' Retirement Plan.

2. It is timely and appropriate to issue an order of reference specifying the duties that are being assigned by the Court to the Special Master in this proceeding. Because of the expected duration and complexity of this proceeding, a multiyear

1 adjudication involving the rights to the water of the Gila River system and source,
2 exceptional conditions require the issuance of such an order of reference.

3 IT IS ORDERED:

4 1. Powers. The Special Master shall conduct such hearings and take such
5 testimony as shall be necessary to determine the relative water rights of each claimant
6 in this proceeding. In completing this undertaking, the Master shall (a) supervise
7 discovery proceedings; (b) provide guidance to the Arizona Department of Water
8 Resources in providing technical assistance to the Master (as provided by ARIZ. REV.
9 STAT. § 45-256); (c) report on all legal and factual matters (as required by ARIZ. REV.
10 STAT. § 45-257 and Rule 53(g), ARIZ. R. CIV. P.); (d) prepare a draft of a proposed decree
11 or decrees; and (e) exercise those other powers conferred upon the Master by Title 45,
12 Chapter 1, Article 9, ARIZ. REV. STAT., and by Rule 53, ARIZ. R. CIV. P.
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15 2. Rules of Procedure and Evidence. In conducting proceedings pursuant to
16 this Order, the Special Master shall adhere to the Arizona Rules of Civil Procedure, the
17 Arizona Rules of Evidence, the Rules for Proceedings Before the Special Master, and
18 the Arizona Code of Judicial Conduct. The Master may promulgate other procedural
19 rules and guidelines to provide fairness and expediency in these proceedings.
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22 3. Meetings with the Parties and Their Attorneys. The Special Master shall
23 convene meetings of the parties and their attorneys whenever necessary to expedite
24 these proceedings.

25 4. Location of Records and Documents. The Special Master shall, utilizing
26 the services of the Clerk of the Superior Court in and for Maricopa County, maintain
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1 under his control all records and documents resulting from proceedings referred to him
2 under this Order. The records and documents shall be located in the Office of the Clerk
3 of the Superior Court or in the Arizona State Archives, whichever is deemed most
4 appropriate by the Master. Any such records and documents may be removed by the
5 Master or his designee for prehearing, hearing, or research purposes.
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7 5. Compensation and Expenses. According to ARIZ. REV. STAT. § 45-255(B),
8 all compensation and expenses related to employment of the Master shall be paid from
9 the funds established pursuant to ARIZ. REV. STAT. § 45-254.
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11 6. Objections to Master's Reports. The findings of fact, conclusions of law,
12 and proposed decrees of the Special Master shall be subject to written objections before
13 the Court as provided by ARIZ. REV. STAT. § 45-257.
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15 7. The Special Master shall perform such additional duties with respect to
16 this proceeding as the Court may from time to time direct.
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18 IT IS FURTHER ORDERED that this Order be filed with the Clerk of the Superior
19 Court and copies be mailed to the Special Master and to all counsel appearing on the
20 Court-approved mailing list for this case.
21

22 DATED this 1st day of March 2001.
23

24 /s/ Eddward P. Ballinger, Jr.
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26 _____
27 HONORABLE EDDWARD P. BALLINGER, JR.
28 Judge of the Superior Court