

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF APACHE**

THE HONORABLE MICHAEL C. NELSON, PRESIDING JUDGE

IN CHAMBERS

(X)

IN OPEN COURT

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THE HONORABLE EDWARD L. DAWSON
Visiting Judge

SUE HALL, Clerk

By: C. Morrow, Deputy
Received 03-31-00 as e-mail attachment

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

DATE: March 31, 2000

MOTION TO DISMISS GRANTED
WITHOUT PREJUDICE

CIVIL NO. 6417

DESCRIPTIVE SUMMARY:	Finding re request for declaration of water rights; Motion to Dismiss GRANTED without prejudice.
NUMBER OF PAGES:	2
DATE OF FILING:	March 31, 2000

MINUTE ENTRY

Atkinson Trading Company doing business as Cameron Trading Post (ATC) has brought this action as an intervener and requested the Court determine the type of rights it has to the water of the Little Colorado. The Navajo Nation has moved to dismiss the Petition. The precise question which ATC would like the Court to decide is whether ATC has a State water right or is only a licensee of the Tribe.

In order to appreciate the piece of the puzzle which this issue represents, one must understand the wide tapestry of the settlement negotiations, claims, and the controversy surrounding the Little Colorado River litigation. This matter was originally placed on hold while efforts were made to resolve widely divergent claims by numerous and varied parties. Those efforts are continuing. It is no doubt important to ATC that their water rights be determined to be of a matter of right and not as a mere licensee of the Navajo Nation. Despite cogent arguments that time is of the essence and that this decision would be of immense worth in the ultimate hoped for settlement of these claims, the Court finds that it is not necessary that this determination be made at this time nor are there exigent circumstances which would require such piecemeal resolution of individual

disputes. ATC has not shown that their use, whether permissive or not, is threatened in any way nor would it impact the present tenuous position of the parties who are laboring diligently to resolve the mammoth issues in this litigation. The Court is not convinced that the adjudication of this issue would either enhance or impede either party's position in the negotiations or settlement. The Court is convinced however that it is not necessary to entertain this matter at this time.

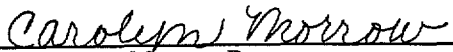
Therefore,

THE COURT FINDS that the request for declaration of water rights is not ripe for determination by this Court.

THE COURT FURTHER FINDS that Declaratory Judgment is not appropriate and GRANTS the Motion to Dismiss without prejudice to reassert at a later time.

The original of the foregoing filed with the
Superior Court Clerk of Apache County.

On this 31st day of March, 2000, a copy of the
foregoing is mailed to those parties who appear on
the Court-approved mailing list for Civil No. 6417
dated November 16, 1999.



Carolyn Morrow, Deputy