

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

IN RE THE GENERAL ADJUDICATION)	
OF ALL RIGHT TO USE WATER IN)	
THE LITTLE COLORADO RIVER SYSTEM)	NO. 6417
AND SOURCE)	
)	ORDER
)	
)	(Modification of Pre-Trial
)	Orders #1 and #2)
)	
)	
)	
)	

The Court modifies Pre-Trial Order #1 and #2 as follows: in Pre-Trial Order #1, filed April, 1987, on page 24, the Court proposed that DWR complete its HSR's in the following order: 1) Snowflake Subwatershed, 2) St. Johns Subwatershed, 3) Winslow Subwatershed, 4) Indian Lands. The Snowflake Subwatershed (Silver Creek) is the only HSR completed to date. The Court now requests DWR to complete the remaining HSR's in the following order: 2) Indian Lands, 3) St. Johns Subwatershed, 4) Winslow Subwatershed.

Additionally, in Pre-Trial Order #2, filed April, 1988, [sic, Aug. 15, 1988], on page 2, this Court directed DWR not to render opinions for Indian Lands on the feasibility, profitability or practicability of future uses of water for irrigation or other uses. The Court now adds to that, however, that DWR may survey the already existing literature on that issue and list what previous studies have been done.

The Court makes this change in order of HSR preparation to help facilitate what is becoming too long, too expensive and too burdensome a process on the claimants, DWR and the Special Master. The number of pleadings filed and hearings scheduled for Silver

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Creek has slowed progress and caused a great expenditure of everyone's resources. The Court believes that the same will happen following issuance of the St. Johns and Winslow reports unless a step is taken at this time to prepare, examine and hear the claims of the Navajo Nation, Hopi Tribe and San Juan Southern Paiute [sic, Paiute] Tribe. The Court believes the uncertainty in the nature and quantity of Indian claims is leading all parties at this time to litigate every possible issue to the fullest, for fear of what the future may reveal in the way of reserved rights. This Court believes that examination of claims of reserved rights is of foremost importance to all claimants. Therefore, the Court believes the process will best be served by turning attention to the claims of the Indian lands now. The Department of Water Resources projects a completion date for this HSR of September, 1994.

January 27, 1994
DATE

/s/ Allen G. Minker
Judge of the Superior Court

[replica of original order]