

SUPREME COURT OF ARIZONA

IN RE GENERAL ADJUDICATION) Arizona Supreme Court
OF ALL RIGHTS TO USE WATER IN) No. WC-11-0001-IR
THE GILA RIVER SYSTEM AND SOURCE)
) Maricopa County Superior
) Court Case Nos.: W-1, W-2
) W-3 and W-4
) (Consolidated) (Gila)
IN RE GENERAL ADJUDICATION) [Contested Case
OF ALL RIGHTS TO USE WATER IN) No. W1-104]
THE LITTLE COLORADO RIVER SYSTEM)
AND SOURCE) Apache County Superior
) Court Case No. 6417 (LCR)
) [Contested Case
) No. 6417-100]
)
_____) **FILED 10/31/2011**

O R D E R

Upon consideration following a conference by the Court,

IT IS ORDERED that interlocutory review of the "State of Arizona's Petition for Interlocutory Review of Superior Court's October 7, 2010 Order re: Federal Reserved Water Rights for State Trust Lands" is GRANTED on the following two issues:

1. Whether the Arizona Enabling Act requires that sufficient water be reserved for state trust lands to assure that those lands produce the full benefit for the trust purposes.

2. Whether, and to what extent, the United States withdrew land from the public domain and reserved that property as state trust land.

IT IS FURTHER ORDERED that oral argument, if necessary, will be held on these two issues presented at a date and time to be set in the future;

IT IS FURTHER ORDERED that, pursuant to paragraphs H.3 and I of the "Special Procedural Order[s] Providing for Interlocutory Appeals and Certification" entered in *In re the General Adjudication of All Rights to Use Water in the Gila River System and Source*, Supreme Court Action No. WC-1, WC-2, WC-3 and WC-4 (consolidated), and in *In re the General Adjudication of All Rights to Use Water in the Little Colorado River System and Source*, Supreme Court No. WC-79-0006 [WC-6], the Supreme Court will hold a telephonic pre-submittal conference on Wednesday, January 11, 2012 at 1:00 p.m. At the pre-submittal conference, the Supreme Court shall make provisions for further briefing and oral argument, if any, for transmission of the record, and for any other appropriate matters under the special procedural orders filed in the adjudications.

IT IS FURTHER ORDERED that, pursuant to paragraph I of the special procedural orders, each party desiring to participate in the interlocutory appeal shall file a notice of appearance in the Supreme Court no later than December 22, 2011.

DATED this _____ day of October, 2011.

REBECCA WHITE BERCH
Chief Justice

TO:

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