

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

IN CHAMBERS (X) IN OPEN COURT ()

SPECIAL MASTER GEORGE A. SCHADE, JR.
Presiding

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

DATE: September 13, 2011

CV 6417-201

SIXTH ORDER MODIFYING
THE CASE INITIATION
ORDER AND SECOND ORDER
MODIFYING THE ORDER
CONCERNING BRIEFING ON
SPANISH AND MEXICAN LAW

CONTESTED CASE NAME: *In re Hopi Tribe Priority.*

HSR INVOLVED: None.

DESCRIPTIVE SUMMARY: The Special Master sets deadlines for filing responses and replies to the pending motions for summary judgment, requests a joint report concerning a proposed schedule for discovery and briefing on the Spanish and Mexican law rights, and allows comments regarding the site of oral argument and future hearings.

NUMBER OF PAGES: 2.

DATE OF FILING: September 13, 2011 (mailed).

The Special Master held a telephonic conference on September 7, 2011. The following modifications to the Case Initiation Order dated September 8, 2008, are made based on the comments expressed at the conference.

The Case Initiation Order states that “[o]ral argument and hearings will be held in the Maricopa County Superior Court in Phoenix, but any party in this case may request that a proceeding be held in the Apache County Superior Court in St. Johns or in another

location.” No change in this provision is contemplated. However, given the time elapsed since the order, if a party wishes to have oral argument or a particular hearing held in the Apache County Superior Court, this preference shall be indicated on or before October 7, 2011. Otherwise, all oral arguments and hearings will be held in Phoenix.

IT IS ORDERED:

1. Vacating the suspension of prospective deadlines in this contested case.
2. Modifying Paragraph 12 (Responses) of the Case Initiation Order to provide that responses to all motions except motions and statements of position on Spanish and Mexican law rights shall be filed by **December 20, 2011**.
3. Modifying Paragraph 13 (Replies) of the Case Initiation Order to provide that replies to all motions except motions and statements of position on Spanish and Mexican law rights shall be filed by **February 15, 2012**.
4. Requesting the Hopi Tribe, Navajo Nation, and the United States to file a joint report on or before **October 7, 2011**, setting forth a proposed schedule for the completion of discovery and briefing concerning the Spanish and Mexican law issues. These parties are requested to discuss with other interested parties the structure of a proposal, and if any other party wishes to submit comments not contained in the joint report, that party shall file its comments by **October 7, 2011**. And,
5. A party who wishes that oral argument or a particular hearing be held in the Apache County Superior Court shall state its preference by **October 7, 2011**.

DATED: September 13, 2011.

/s/ George A. Schade, Jr.
GEORGE A. SCHADE, JR.
Special Master

On September 13, 2011, the original of the foregoing was mailed to the Clerk of the Apache County Superior Court for filing and distributing a copy to all persons listed on the Court approved mailing list for the Little Colorado River Adjudication Civil No. 6417-201 dated July 25, 2011. The Special Master distributed a copy by electronic mail.

/s/ George A. Schade, Jr.
George A. Schade, Jr.