

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

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
GILA RIVER SYSTEM AND SOURCE

DATE: December 28, 2009

CIVIL NO. W1-11-1174
(Consolidated)

ORDER REQUESTING STATUS
REPORT FROM THE SAN
CARLOS APACHE TRIBE
CONCERNING THE
RESERVATION'S BOUNDARY

CONTESTED CASE NAME: *In re PWR 107 Claims.*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: The Special Master requests a status report from the San Carlos Apache Tribe concerning the reservation's boundary issue raised in this case.

NUMBER OF PAGES: 2.

DATE OF FILING: December 28, 2009.

The United States has not been able to execute a stipulated agreement with the San Carlos Apache Tribe ("Tribe") for sixteen springs because the Tribe claims that until the southwest boundary of its reservation is determined, it is not known if these springs are located inside or outside the reservation. The United States claims the springs are located on federal public domain. The Special Master stayed the adjudication of the sixteen springs "until such time as the southwest boundary of the San Carlos Indian

Reservation has been established or is no longer in dispute between the United States and the Tribe.”¹

In March 2009, the Tribe reported it would again request the United States to purchase certain lands to be held in trust for the Tribe, and the purchase would assist the resolution of the boundary issue. The Special Master wants to know the outcome, if any, or progress of the discussions between the Tribe and the United States to resolve the location of the reservation’s southwest boundary, and if the Special Master can proceed with the adjudication of the sixteen springs.

Accordingly, IT IS ORDERED directing the San Carlos Apache Tribe to file a status report on or before **March 29, 2010**, reporting on the outcome, if any, or progress of the discussions held since March 2009 between the Tribe and the United States to resolve the southwest boundary issue, and if the Special Master can proceed with the adjudication of those springs.

DATED: December 28, 2009.

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

On December 28, 2009, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for Contested Case No. W1-11-1174 dated July 27, 2009.

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

¹ Order 6 (July 19, 2006).