

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: November 9, 2004

CIVIL NO. 6417-033-0060

ORDER GRANTING EXPEDITED
CONSIDERATION AND SETTING
BRIEFING SCHEDULE ON THE
MOTION FOR PROTECTIVE
ORDER LIMITING THE SCOPE
OF THE FINAL SUPPLEMENTAL
CONTESTED CASE HSR

CONTESTED CASE NAME: *In re Phelps Dodge Corporation (Show Low Lake)*.

HSR INVOLVED: Silver Creek Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: The Special Master grants the request for expedited consideration and sets a briefing schedule for the motion filed by Phelps Dodge Corporation for a protective order limiting the scope of the final supplemental contested case hydrographic survey report.

NUMBER OF PAGES: 2.

DATE OF FILING: Original mailed to the Clerk of the Court on November 9, 2004.

ORDER

On November 8, 2004, Phelps Dodge Corporation filed a Motion for Protective Order Limiting the Scope of the Final Contested Case Hydrographic Survey Report for the Claims of Phelps Dodge to Show Low Lake ("supplemental HSR") and a Motion for Expedited Consideration of that motion. The motion for expedited consideration will be granted.

The time periods for responding and replying to motions set forth in Pre-Trial Order No. 1 Re: Conduct of Adjudication ¶ 9(C) (April 24, 1987) would bring this motion for decision in January 2005. The supplemental HSR is scheduled to be filed by January 31, 2005. Paragraph 9(C) provides that the “time periods set forth herein shall not apply to any issue scheduled for determination by the Court to which an established briefing schedule applies.” In order to provide a reasonable expedited consideration of the motion, the Special Master will set November 30, 2004, as the last day for filing responses, and December 14, 2004, as the last day for filing replies.

Paragraph 9(D) states that “[e]xcept for good cause shown a Motion filed in this action shall be heard by the Court no earlier than forty-five (45) days after the Motion has been filed, which period of time shall begin when the docket sheet on which the Motion appears shall be available from the DWR.” The Special Master finds that there is good cause to hear the motion for protective order earlier than provided in Paragraph 9(D).

Because ADWR is responsible for preparing the supplemental HSR, the Special Master will allow the department to submit comments regarding the motion.

IT IS ORDERED:

1. The motion for expedited consideration is granted.
2. Parties may file responses on or before **Tuesday, November 30, 2004.**
3. Replies shall be filed on or before **Tuesday, December 14, 2004.**
4. ADWR may file comments regarding the motion on or before **Tuesday, November 30, 2004.** If ADWR believes that filing a reply would be appropriate or beneficial, it may do so on or before **Tuesday, December 14, 2004.**

DATED: November 9, 2004.

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

The original of the foregoing was mailed this 9th day of November 2004, to the Clerk of the Apache County Superior Court for filing, and a copy was mailed to all persons listed on the Court-approved mailing lists for Contested Case No. 6417-033-0060 and for Civil No. 6417, both dated October 21, 2004.

/s/ KDolge
Kathy Dolge