

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTIES OF APACHE AND 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: June 21, 2005

CIVIL NO. W1-104

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

CV 6417-100

ORDER GRANTING THE  
ARIZONA STATE LAND  
DEPARTMENT AN EXPEDITED  
BRIEFING OF ITS OBJECTIONS  
TO THE SCHEDULING ORDER  
AND AN EXTENSION OF TIME  
TO SERVE DISCOVERY  
REQUESTS

CONTESTED CASE NAME: *In re State Trust Lands.*

HSR INVOLVED: None.

DESCRIPTIVE SUMMARY: The Special Master grants the Arizona State Land Department leave to file and brief its objections to the Scheduling Order, sets a briefing schedule, grants an extension of time to serve discovery requests, and defers ruling on the Department's request to clarify the procedure for serving discovery requests upon multiple parties until other parties have had an opportunity to comment.

NUMBER OF PAGES: 3.

DATE OF FILING: June 21, 2005.

## ORDER

The Arizona State Land Department (“Department”) has filed (1) a Request for an Initial Meeting or in the Alternative Leave to File, Brief, and Argue Its Objections to the Scheduling Order and (2) a Motion for Extension of Time for Serving Discovery Requests and Request for Clarification Regarding Service of Discovery. The Opposing Parties have responded to the first request and oppose it. It is reasonable to consider the resolution of these requests at this point, even though the times to reply to the response or to respond to the motion have not passed.

### A. Request for Initial Meeting or in the Alternative Briefing and Argument

Granting the Department an opportunity to brief its objections will allow the Department’s requests to be fully considered without holding an initial meeting. The Special Master will grant the Department twenty-four days to brief its objections to the Scheduling Order, fourteen days for parties to respond, and eleven days for the Department to reply. This expedited schedule allows reasonable time to brief the objections while taking into account the time periods set in the Scheduling Order. Distribution of papers by fax or courier is encouraged.

### B. Motion for Extension of Time and Request for Clarification

Pursuant to Arizona Rule of Civil Procedure 6(b), the Department’s request for an extension of time will be granted, but the request for clarification regarding the procedure for service of discovery requests upon one or more parties will be ruled upon after parties have had an opportunity to comment. The request seems reasonable, but other parties may have a different view or other recommendations that would ease service or distribution of discovery. Any recommendation that will make discovery more efficient and less wasteful will be considered.

#### IT IS ORDERED:

1. On or before July 15, 2005, the Department shall file a memorandum explaining its objections to the Scheduling Order.
2. Responses to the Department’s objections shall be filed by July 29, 2005.
3. The Department may file a reply on or before August 9, 2005.
4. All memoranda filed to date addressing these matters will be considered. The parties are requested to use this expedited briefing to present or amplify with new points or authorities. Positions already stated may be incorporated by reference.
5. The Special Master will grant the request for oral argument if deemed necessary.

6. The Department's motion for an extension of time to serve discovery requests authorized by Section 9 of the Scheduling Order is granted. The Department shall serve its initial requests for discovery within seven days after it receives the ruling on its objections to the Scheduling Order.

DATED: June 21, 2005.

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

On the 21st day of June 2005, an original of the foregoing was mailed to the Clerk of the Apache County Superior Court for filing, and a duplicate original was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing to the persons who appear on the Court-approved mailing list for this contested case dated June 15, 2005.

/s/ KDolge  
Kathy Dolge