

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

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

DATE: June 27, 2006

CIVIL NO. W1-104

CV 6417-100

ORDER SETTING NEW TIMES
FOR FILING MOTIONS FOR
SUMMARY JUDGMENT,
RESPONSES, AND REPLIES;
SETTING ORAL ARGUMENT ON
ALL SUMMARY JUDGMENT
MOTIONS; DIRECTING
ADDITIONAL DISCLOSURES
AND DISCOVERY; AND
REMOVING A PARTY FROM THE
MAILING LISTS

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

HSR INVOLVED: None.

DESCRIPTIVE SUMMARY: The Special Master sets a briefing schedule for the State of Arizona's motion for leave to amend; sets new times for filing motions for summary judgment, responses, and replies; sets oral argument on all motions for summary judgment; requires additional disclosures by the State of Arizona and allows discovery; and removes a party from the Court-approved mailing lists.

NUMBER OF PAGES: 3.

DATE OF FILING: June 27, 2006.

On June 20, 2006, a status conference was held. Several matters were heard.

In accordance with the procedures of these cases, parties shall have until June 28, 2006, to file responses to the State of Arizona's motion for leave to amend its motion for partial summary judgment, and the State shall have until July 24, 2006, to file a reply. The Special Master will rule on the motion not later than August 11, 2006.

The United States, ASARCO LLC and Abitibi Consolidated Sales Corporation ("Abitibi") jointly, and the San Carlos Apache Tribe, Tonto Apache Tribe, and the Yavapai-Apache Nation (collectively "Apache Tribes") requested an extension of time for other parties to file motions for summary judgment. These requests were not opposed and are granted.

The May 19, 2005, Scheduling Order ("Scheduling Order") will be revised in several respects. First, new times will be set for other parties to file motions for summary judgment concerning any of the designated issues and for filing responses and replies to all summary judgment motions. Second, the State of Arizona will be ordered to make additional disclosures concerning the issues raised in its proposed amended motion for partial summary judgment with respect to the Prescott Active Management Area ("Prescott AMA"), and discovery will be allowed.

Oral argument will be set for a full court day on December 7, 2006, beginning at 9:00 a.m., at the Maricopa County Superior Court in a courtroom to be announced later.

Mr. and Mrs. Marshall L. and Dena L. Hembree, whose address is 16020 North 69th Avenue, Peoria, Arizona 85382, have indicated by their refusal to accept mailings and by their written statement in returned mail to the office of the Special Master that they have sold their property and claim no water rights in the Little Colorado River Adjudication, that they do not wish to remain on the Court-approved mailing list for this contested case. Accordingly, they will be removed from the mailing list for this case as well as from the Little Colorado River Adjudication Court-Approved Mailing List.

IT IS ORDERED:

1. On or before **June 28, 2006**, parties may file responses to the State of Arizona's motion for leave to amend motion for partial summary judgment.
2. On or before **July 24, 2006**, the State of Arizona shall file its reply.
3. Section 5(B) of the Scheduling Order is revised to require the State of Arizona to file on or before **July 7, 2006**, additional disclosures concerning the issues presented in its proposed amended motion for partial summary judgment with respect to the Prescott AMA.
4. Section 7(D) of the Scheduling Order is revised to provide that discovery concerning the Prescott AMA issues shall be completed by **August 11, 2006**, except that

witnesses related to that discovery may be deposed after August 11, 2006, and on or before **August 25, 2006**.

5. The motions of the United States, ASARCO LLC, Abitibi, and the Apache Tribes for an extension of time are granted. Section 11 of the Scheduling Order is revised to extend the time for other parties to file motions for summary judgment concerning any of the designated issues to **June 30, 2006**.

6. Section 12 of the Scheduling Order is revised to extend the time for filing responses to all motions for summary judgment to **September 15, 2006**. Page limitations shall not apply.

7. Section 13 of the Scheduling Order is revised to extend the time for filing all replies to **November 3, 2006**. Page limitations shall not apply.

8. On or before **December 4, 2006**, counsel who will participate in oral argument shall file a proposed schedule showing counsel who will present argument, order of presentation, and allocation of time.

9. Oral argument shall be held for a full day on **December 7, 2006**, beginning at 9:00 a.m., at the Maricopa County Superior Court in a courtroom to be announced later.

10. Mr. and Mrs. Marshall L and Dena L. Hembree are removed from the Court-approved mailing lists for this case and for the Little Colorado River Adjudication.

DATED: June 27, 2006.

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

On June 27, 2006, 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 February 28, 2006.

/s/ KDolge
Kathy Dolge