

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 4, 2001
CIVIL NO. W1-11-605

CONTESTED CASE NAME: *In re Fort Huachuca.*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: The Special Master rules on the Motion of the United States for Extension of Time to File Amended Claims to Water Rights in this contested case.

NUMBER OF PAGES – 3 pgs.; Attachment A – 2 pgs.; total: 5 pgs.

DATE OF FILING: Original sent to the Clerk of the Court on December 4, 2001.

ORDER

On November 26, 2001, the United States requested an extension of time to January 14, 2002, to file amended statements of claimant for Fort Huachuca. The amended statements were due on November 30, 2001. The motion states that “Analysis of the Fort’s water needs is still on-going,” and the “United States requires additional time to determine how and whether the Fort’s claims should be revised in light of recent national and international events and the Fort’s evolving mission.” The United States avows that the “majority of parties were contacted and do not object to this extension request.”

The Special Master sees no valid reason why a ruling on the motion should not be made prior to the expiration of the time to file responses. Previously, the Special Master has stated

that he “is concerned that deadlines established in discussions with counsel and parties not become unreasonably elastic. Circumstances will dictate extensions and continuances, but these should be kept to the lowest minimum possible so that litigated matters move forward smoothly.”

It appears that the United States needs more time to complete the amended statements of claimant. A motion for an extension of time or a continuance should provide more detailed explanation of the reasons for the extension or continuance so that the Special Master can make an appropriate finding of good cause to grant the motion. Obtaining the concurrence of the other involved parties or their counsel is not an automatic reason to grant an extension. The Special Master will take notice of the “recent national and international events” that have occurred and of the reasonable impacts of these events on a military installation. Further, the requested additional time of forty-five (45) days is not substantial, and again notice will be taken of the fact that a series of national holidays is coming up.

The Arizona Department of Water Resources (ADWR) has been directed to submit a report on January 31, 2002, informing the Special Master as to the status of the Gila River Indian Community Hydrographic Survey Report (HSR) and the anticipated start and completion dates for updating Fort Huachuca’s watershed file reports. ADWR should be given an extension of the same amount of time to file its report. ADWR may submit its report earlier should that be possible, or may submit an earlier and separate report regarding the Gila River Indian Community HSR if that would be more useful given the status of completion of the HSR.

The Special Master wishes to start discussing the steps to be taken after ADWR files its report. The Special Master will give parties a period of forty-five (45) days after ADWR files its report to submit comments, if any, addressing the five issues described in this order.

The Special Master will give ADWR the opportunity to file its comments on these five issues. The Special Master wishes to give the parties and ADWR an opportunity to discuss among themselves their ideas relating to these issues. How the parties use this opportunity will be up to them, but the opportunity will be given.

The Special Master will set a status conference thereafter, if one is deemed useful or necessary.

IT IS ORDERED:

1. The motion of the United States for an extension of time to and including Monday, January 14, 2002, to file amended statements of claimant and other amendments to its claims for Fort Huachuca is GRANTED, but no further extensions will be granted absent extraordinary circumstances.

2. ADWR shall have the same additional period of time, namely, forty-five (45) days, to file its report that will now be due on or before Monday, March 18, 2002. ADWR may submit its report earlier if that becomes possible, or may submit an earlier and separate report regarding the Gila River Indian Community HSR if that would be more useful given the status of completion of the HSR.

3. Parties shall have until Thursday, May 2, 2002, to file comments relating to ADWR's report to be filed by March 18, 2002. All comments to any reports ADWR may file shall be due on or before May 2, 2002. The Special Master wishes to hear from the parties their comments regarding the following:

- (1) The contents or omissions of ADWR's report.
- (2) Deadlines for filing objections to the amended watershed file reports to be prepared by ADWR.
- (3) Any procedures desired for determining the objections to the amended watershed file reports.
- (4) A timeline for disclosures and scheduling of hearings on the objections to the amended watershed file reports.
- (5) Any legal or procedural issues that the parties wish to be addressed relating to the determination of Fort Huachuca's amended statements of claimant and other amendments.

ADWR may file a separate report due on or before May 2, 2002, on its views of these issues, as it deems appropriate as the Court's technical advisor, or may address the issues in its report due on or before March 18, 2002.

DATED: December 4, 2001.

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

The original of the foregoing sent on December 4, 2001, to the Clerk of Maricopa County Superior Court for filing; copies mailed to those parties who appear on the Court-approved mailing list for Case No. W1-11-605 dated August 17, 2001 (Attachment A).

/s/ KDolge
Kathy Dolge