1 2 3 4 5 6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA 7 IN AND FOR THE COUNTY OF MARICOPA 8 9 IN RE THE GENERAL ADJUDICATION 10 OF ALL RIGHTS TO USE WATER IN CIVIL NO. W1-11-3317 THE GILA RIVER SYSTEM AND 11 SOURCE 12 ORDER TO SET SCHEDULING CONFERENCE 13 14 15 16 CONTESTED CASE NAME: In re Lester Young 17 HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report 18 DESCRIPTIVE SUMMARY: Conference set to schedule future proceedings to allow objectors to present evidence regarding chain of title claims and other objections to 115-04-19 ADB-008-DM001 and OT001. 20 NUMBER OF PAGES: 3 21 DATE OF FILING: June 25, 2018 22 23 This case concerns potential water rights 115-04-ADB-008-DM001 and OT001. The 24 landowner has not filed an objection to Watershed File Report 115-04-ADB-008 (the WFR). 25 The only objections to the WFR have been filed by other claimants. The Arizona Department

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of Water Resources (ADWR) has conducted a meeting with the landowner and the Objectors, prepared documents to assist in the resolution of the objections, and filed a Meeting Report.

Based on a status report filed by ADWR on May 18, 2018, in Contested Case No. W1-11-3315, it appears that an issue raised by the San Carlos Apache Tribe and Tonto Apache Tribe (the Tribes) regarding chain of title to the land from William Row to the current landowner must be resolved. A copy of the patent from the United States to William Row dated October 18, 1921, shows that Mr. Row obtained title to land that included the south half of the southwest quarter of Section 34 T 6S R17E. Attached to the form of Assignment of Statements of Claimant 39-5845 and 39-5862 is a Warranty Deed listing Aravaipa Ranch, LLC as the grantee of a parcel of real property in the southwest quarter of section 34 T6S R17E. The places of use for the water rights in the WFR are in SWSW 34 T6S R17E.

Pursuant to A.R.S. 45-256(C) any "claimant who has filed an objection to the water right as prescribed by subsection B of this section shall have a fair and reasonable opportunity to present evidence in support of or in opposition to those portions of the director's report". See also §13.05[3], Rules for Proceeding Before the Special Master. Thus, proceedings must be conducted to give the Tribes, the Gila Indian Community and any other Objector the opportunity to present evidence in support of their opposition to the director's report identifying potential water rights. The landowner will also be permitted to present evidence at the same proceeding.

Accordingly,

IT IS ORDERED that a conference shall be set on July 19, 2018, at 1:30 p.m. to:

- 1. Identify all issues that must be resolved;
- 2. Set the date by which the Tribes and any other Objectors will file disclosure statements that identity the evidence in support of their objections along with any other necessary deadlines; and

3. Schedule an evidentiary hearing.

The scheduling conference shall be held at the Superior Court of Arizona, 201 West Jefferson Street, Courtroom 301, Phoenix, AZ 85003-2202.

Instructions for telephonic appearance:

Dial: 602-506-9695 (local)

1-855-506-9695 (toll free long distance)

Dial Participant Pass Code 357264#

IT IS FURTHER ORDERED that the landowner shall have a copy of any title insurance policy insuring the landowner's good title to the land or the name of the title insurance company that insured the landowner's good title to the land available at the scheduling conference.

SAN WARD HARRIS

Special Master

On June 25, 2018, 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 this

contested case.