

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

3/19/08

CLERK OF THE COURT
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

L. NEVENHOVEN
Deputy

CV-6417

COPY

FILED: March 19, 2008

In Re the General Adjudication
of All Rights to Use Water in the
Little Colorado River System and
Source

MINUTE ENTRY

The Court agrees with the belief of many parties that there are a number of issues pending in this adjudication that may be amenable to resolution prior to obtaining reports concerning technical issues being addressed by the Arizona Department of Water Resources. But the Court is uncertain as to the time period needed to resolve various identified issues. For this reason, the Court intends to initially respond to the requests of various parties by addressing individually the questions identified as the "First Grouping of Issues" in the memorandum filed by various state law claimants on December 2, 2005.

IT IS ORDERED setting oral argument to address the question of whether the Court should summarily dispose of a portion of the Hopi Tribe's pending claims in this adjudication by finding that the Hopi Tribe and the United States acting as trustee for the Hopi Tribe are precluded from claiming a right to water from surface streams that are located within the Little Colorado River Basin, but do not traverse any part of the Hopi Reservation on **August 27, 2008, at 2:00 p.m. (3 hours allotted)** in this Division at:

**Northeast Regional Court Center
18380 North 40th Street
Courtroom 112**

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Phoenix, Arizona 85032.

IT IS FURTHER ORDERED that memoranda in support of, or in opposition to the proposed relief described above may be filed on or before **June 6, 2008**, and responsive memoranda may be filed on or before **July 17, 2008**. There shall be no replies.

The Court agrees that the Hopi Tribe's position that its claims in the adjudication are of first priority and senior to all other parties is amenable to resolution. This task may be more extensive than consideration of the issue referenced above.

IT IS FURTHER ORDERED directing the Special Master to commence proceedings in accordance with the practices and procedures of the Special Master to resolve the question of whether the claims to water rights asserted by, or on behalf of the Hopi Tribe in this adjudication have a priority of "time immemorial" or are otherwise senior to the claims of all other claimants. Proceedings before the Special Master may include consideration of any matters arising under Arizona Rules of Civil Procedure 26 and 26.1, and he shall be fully empowered with all the powers enumerated in Arizona Rule of Civil Procedure 53. The Special Master may determine the time periods to file objections, comments, and responsive memoranda to his report.

A copy of this minute entry is mailed to all parties on the Court-approved mailing list for Little Colorado River Adjudication Civil No. 6417 dated January 28, 2008.