

SUPERIOR COURT OF ARIZONA  
APACHE COUNTY

07/08/2005

CLERK OF THE COURT  
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

R. Luiszer  
Deputy

CV-6417  
Contested Case CV-6417-033-0060

FILED: JULY 19, 2005

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

In re Phelps Dodge's Motion to  
Dismiss Contested Case  
In re Phelps Dodge Corporation  
(Show Low Lake) CV-6417-033-0060

MINUTE ENTRY

3:00 p.m. Present telephonically are the following: John Weldon and Mark McGinnis representing Salt River Project, Joe P. Sparks representing San Carlos Apache Tribe, Tonto Apache Tribe, and Yavapai-Apache Nation, Scott Deeny, Lisa Logan, and Rich Burtell from Arizona Department of Water Resources, David Brown and Michael Brown representing City of Show Low and Show Low/Pinetop-Woodland Irrigation District, Inc., William Staudenmaier, Amy Langenfeld, and Bill Richardson representing Phelps Dodge Corporation, Scott McElroy and Stanley Pollack representing Navajo Nation, Shanti Rosset and Graham Clark representing the Arizona Attorney General's Office, Vanessa Boyd Willard representing the U.S. Department of Justice, and Cynthia Haglin representing the City of Chandler. Special Master, George A. Schade, Jr. and his assistant, Kathy Dolge, are present in the courtroom.

Court Reporter, Mike Benitez, is present.

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Bill Staudenmaier addresses the Court and states that Phelps Dodge has abandoned its certificated water rights to Show Low Lake but has transferred the lands of the dam and underlying the lake to the City of Show Low. Phelps Dodge will not assign or transfer any water rights it holds under its certificate or adjudication statement of claimant.

Scott Deeny states that the City of Show Low and the Show Low/Pinetop-Woodland Irrigation Company, Inc. have filed four applications to appropriate the waters in Show Low Lake.

Scott McElroy and Stanley Pollack address the Court. Mr. McElroy states that the Navajo Nation does not object to the granting of the motion to dismiss this contested case.

The Court states that the case will be terminated.

Shanti Rosset states that the Arizona Game and Fish Commission has a management agreement with Phelps Dodge involving Show Low Lake, and the Commission has not had adequate time to investigate the outcome of a dismissal. She requests that the dismissal of this case be without prejudice.

The Court states that it will grant the relief requested, and the Commission may file a motion for reconsideration.

The Special Master requests authority to enter orders dismissing the pending objections, including objections that might be filed by the August 1, 2005, deadline and closing this contested case.

Mr. Deeny asks how claimants and parties will be notified of the dismissal. The Special Master suggests that ADWR could prepare and distribute a news release to the media, libraries, and docket sheet subscribers.

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IT IS ORDERED granting Phelps Dodge's Motion to Dismiss  
this Contested Case with prejudice.

\* \* \* \*

A copy of this minute entry is mailed to all parties on the  
Court-approved mailing lists for CV-6417, CV-6417-033-0060, and  
W-1, W-2, W-3, and W-4, all dated June 15, 2005.