

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

08/16/2010

CLERK OF THE COURT
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

R. Tomlinson
Deputy

W-1, W-2, W-3, W-4 (Consolidated)

COPY

FILED: 08/24/2010

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

In Re ADWR's Subflow Zone Delineation
Report for the San Pedro River Watershed

ORDER

On June 30, 2009, the Arizona Department of Water Resources ("ADWR") filed its Subflow Zone Delineation Report for the San Pedro River Watershed. The report was prepared pursuant to the Court's order dated September 28, 2005. The order provided claimants 180 days to file objections and comments to the report.

The Court has reviewed the twenty-six objections and comments filed. The papers filed by ASARCO LLC, Freeport-McMoRan Corporation, Salt River Project, Bella Vista Water Co., Inc., Pueblo Del Sol Water Company, and the City of Sierra Vista (collectively, the "Sierra Vista Parties"), The Nature Conservancy, and the United States present substantive legal and technical issues. The Court will hear these objections and comments in a hearing to be held on **March 15, 2011, at 2:30 p.m.** before:

The Honorable Eddward P. Ballinger, Jr.
Superior Court of Arizona
Juvenile Court Center - Durango Facility
3131 West Durango, Courtroom 6
Phoenix, AZ 85009-6292
602.506.8551

IT IS ORDERED that the affidavits or sworn declarations of expert witnesses submitted with the objections and comments of the foregoing parties shall be considered

to be direct testimony. At the hearing, the testimony of the affiants and of the representatives of ADWR shall be limited to cross-examination except for new information in response to ADWR's report due on December 31, 2010.

IT IS FURTHER ORDERED directing ADWR to submit a report on or before **December 31, 2010**, identifying the objections or comments of the foregoing parties with which ADWR agrees or does not take issue and providing information in response to a specific objection or comment.

IT IS FURTHER ORDERED referring to the Special Master the task of proceeding in the best manner to organize and determine the remaining objections and comments.

A. Proceedings before the Special Master may include consideration of disclosures and discovery, including matters arising under Arizona Rules of Civil Procedure 26 and 26.1, briefing of issues, and conducting hearings and conferences. The Special Master is empowered with all the powers enumerated in Arizona Rule of Civil Procedure 53.

B. The Special Master shall submit findings of fact, conclusions of law, and recommendations in a report to the Court (the "Special Master's Report").

C. Objections and comments to the Special Master's Report may be filed within seventy-five (75) days after the report is filed with the Court. Responses to objections and comments shall be filed within sixty (60) days thereafter, with replies to be filed not later than forty (40) days after the response due date. Filing times are exclusive of the additional period authorized by Arizona Rule of Civil Procedure 6(e).

IT IS FURTHER ORDERED signing this entry as an order of the Court.

/s/ Eddward P. Ballinger, Jr.
EDDWARD P. BALLINGER, JR.
Judge of the Superior Court

A copy of this order is mailed to all parties on the Court approved mailing list for the Gila River Adjudication, W-1, W-2, W-3, W-4 (Consolidated), dated July 29, 2010.