

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY
And
APACHE COUNTY

02/4/2008

CLERK OF THE COURT
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

L. NEVENHOVEN
Deputy

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

COPY

CV 6417

FILED: February 4, 2008

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

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

Order Re: Arizona Department of
Water Resources' Supplemental
Report Concerning Future
Adjudication Work

MINUTE ENTRY

The Court has reviewed the Arizona Department of Water Resources' Supplemental Report Concerning Future Adjudication Work (the "ADWR Report" or "Report") and has several concerns about the schedule set forth in this document.

The Report states that ADWR is undertaking steps to update the Final San Pedro River HSR pursuant to the guidelines contained in the Order of this Court dated September 28, 2005, (the "September 28, 2005, Order"). However, the Report indicates that, contrary to the directions set forth in the September 28, 2005, Order, ADWR proposes to conduct cone of depression tests and HSR updates on a piecemeal basis. The September 28, 2005, Order, which approved and adopted recommendations of the Special Master, required ADWR to prepare a map delineating the subflow zone of the entire San Pedro River Watershed.

The Court recognizes that a process of updating in individual contested cases has been used, but that process was permitted due to budget limitations. ADWR's proposed method for updating will prolong the adjudication of the San Pedro River Watershed. The Court believes

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ADWR should commit its increased funding and technical staff to update the San Pedro HSR as a whole and not piecemeal. So that there is no misunderstanding

IT IS ORDERED that ADWR shall undertake work in the San Pedro River Watershed in compliance with the mandates set forth in the September 28, 2005, Order.

Besides preparing the subflow zone map for the San Pedro River Watershed, ADWR can proceed at this time with the preparation of an inventory of *de minimis* domestic, stockpond, and stockwatering uses in that watershed as described in the Report. This work will be in conjunction with the preparation of the Hopi Reservation HSR and the initial investigations in the Verde River Watershed. As modified above,

IT IS ORDERED approving the project agenda set forth in ADWR's Report pending further order.

To permit the Court to be up to date on ADWR's progress with, and consider modifications to, the schedule set forth in the Report,

IT IS ORDERED:

1. Setting a joint progress hearing in both adjudications for **Thursday, July 17, 2008, at 2:30 p.m.** The hearing will be held in this Division at:

**Northeast Regional Court Center
18380 North 40th Street
Courtroom 112
Phoenix, Arizona 85032.**

2. Directing ADWR to be prepared to report, at the hearing, about the following:
 - a. What, if any, legal issue ADWR is aware of that might affect the timing of publication of a final Hopi Reservation HSR?
 - b. What use should be made of the inventory of abstracts of *de minimis* domestic, stockpond, and stockwatering uses that ADWR proposes to prepare for the San Pedro River Watershed?
 - c. Whether the work in the Verde River Watershed that is identified in the ADWR Report can be continued without adverse affect on expeditious

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- completion of matters previously found by the Court to have a higher priority?, and
- d. Any matters ADWR or a party presents for discussion.

A copy of this order is mailed to all parties on the Court approved mailing lists for the Gila River Adjudication, W-1, W-2, W-3, and W-4 (Consolidated), and the Little Colorado River Adjudication, Civil No. 6417, both dated January 28, 2008.