

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

04/12/2002

CLERK OF THE COURT
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

R. Luiszer
Deputy

W-1, W-2, W-3, W-4(Consolidated)
W-203

FILED: Apr 17 2002

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

MINUTE ENTRY

The court has reviewed the Arizona Department of Water Resources' (ADWR") Status Report Concerning the Hydrographic Survey Report for the Gila River Indian Reservation ("GRIR HSR") and the responses to this report filed by various parties. The court has examined the decision of the Arizona Supreme Court in *In Re the General Adjudication of all Rights to Use Water in the Gila River System and Source*, 361 Ariz. Adv Rep. 3, 201 Ariz. 307, 35 P.3d 68 (2001), ("*Gila V*") and previous orders entered by Judge Susan R. Bolton that treated with the analysis to be supplied by ADWR in the GRIR HSR. The court has concluded that additional direction is required to insure efficient use of ADWR's resources and expertise.

In light of the holdings set forth in *Gila V* and applicable statutory requirements, particularly A.R.S. §45-256(B), ADWR must consider additional factors in connection with preparing the GRIR HSR. The court understands that the list of relevant considerations announced in *Gila V* is not exclusive, and that some parties question ADWR's expertise to report on issues such as tribal history and culture, but these concerns are properly

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addressed when the court considers objections to the final GRIR HSR. For this reason,

IT IS ORDERED that ADWR shall evaluate each of the factors listed by the Arizona Supreme Court in the *Gila V* decision in connection with the preparation of the GRIR HSR.

IT IS FURTHER ORDERED that ADWR shall report in accordance with A.R.S. §45-256(B) proposed water right attributes for each claim investigated.

The Court is aware that some of the factors to be considered by ADWR as a result of this order require that the department undertake economic analysis and consider proposed uses of water within the Gila River Indian Reservation that have not been fully disclosed to ADWR. Therefore,

IT IS FURTHER ORDERED, that the United States and the Gila River Indian Community shall provide ADWR with all information and supporting documentation relating to their current and future land and water use planning within the area affected by the GRIR HSR. The United States and the Community may file amended statements of claimant relating to these, or any other, water uses on or before July 1, 2002. ADWR shall be entitled to rely on the representations contained in the materials submitted and claims filed on or before July 1, 2002 in connection with preparing the final GRIR HSR.

Because Judge Bolton's directives to ADWR regarding evaluation of the physical factors of water use and supply and land arability remain relevant,

IT IS FURTHER ORDERED that Judge Bolton's directives to ADWR to examine the physical factors of water use and supply and land arability shall remain in effect.

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IT IS FURTHER ORDERED that ADWR shall complete and publish the final GRIR HSR expeditiously.

* * * *

A copy of this minute entry is mailed to all parties on the Court-approved W-1, W-2, W-3 and W-4 (Consolidated) mailing list dated February 7, 2002. This is also the Court-approved mailing list for Contested Case W1-203.