

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF APACHE
THE HONORABLE EDDWARD P. BALLINGER, JR.**

IN RE THE GENERAL ADJUDICATION OF ALL RIGHTS TO USE WATER IN THE LITTLE COLORADO RIVER SYSTEM AND SOURCE	Case No. CV-6417 DATE: February 10, 2004 ORDER
---	--

ORDER

The Court has considered the Arizona Water Company's objection to the Special Master's Proposed Order Adopting and Modifying the Special Master's Report on Issues of Broad Legal Importance. The Court is satisfied that the definition of the term "nonclaimant water user" that is set forth in Pretrial Order No. 5 Re: Notice of Hydrographic Survey Reports, entered in the Gila River Adjudication, adequately describes the class of persons and entities to be afforded notice of supplemental contested case hydrographic survey reports. Accordingly, the Court has overruled Arizona Water Company's objection and has approved the form of order submitted by the Special Master on October 30, 2003. The order overruling the objection and approving the form of order was filed in the Gila River Adjudication in Contested Case No. W1-11-1174 on this date.

On January 14, 2004, Abitibi Consolidated Sales Corporation ("Abitibi") and the Arizona Water Company filed a response as *amici curiae* to the Arizona Department of Water Resources' request for additional time to file a supplemental hydrographic survey report in Contested Case No. 6417-033-0060. That matter involves the water right claims of Phelps Dodge Corporation to Show Low Lake. Abitibi raises the issue of extending a ruling made in one adjudication to another adjudication. The Court is sensitive to the right of parties in both

adjudications to be heard on all matters that can potentially affect substantive rights and claims.

Accordingly, IT IS ORDERED that the issue raised by Abitibi and the Arizona Water Company shall be considered at the April 6, 2004, hearing in the Little Colorado River Adjudication.

Dated this 10th day of February 2004.

/s/ Eddward P. Ballinger, Jr.
Honorable 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 Case No. 6417 dated October 6, 2003.