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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF APACHE

IN RE THE GENERAL ADJUDICATION OF  
ALL RIGHTS TO USE WATER IN THE  
LITTLE COLORADO RIVER SYSTEM AND  
SOURCE

CIVIL NO. 6417  
PRETRIAL ORDER NO. 6  
RE: NOTICE OF HYDROGRAPHIC  
SURVEY REPORTS

Pursuant to the authority vested in this Court by Section 45-259, ARIZ. REV. STAT., and Rule 16 of the ARIZONA RULES OF CIVIL PROCEDURE, the Court hereby enters the following order concerning the notice to be given by the Arizona Department of Water Resources (“Department”) of the issuance or filing of hydrographic survey reports (“HSRs”):

**1. Definitions**

A. “Claimant” means a person who has filed a statement of claimant in the Little Colorado River adjudication under the provisions of ARIZ. REV. STAT. § 45-254, or a person to whom a previously filed statement of claimant has been assigned.

B. “Nonclaimant water user” means a person who has been identified by the Department as currently using water within the geographic area covered by the HSR.

1           **2.     Notice of Preliminary HSR**

2           After the Department has completed a preliminary HSR for a watershed or  
3 for an Indian or federal reservation, or any portion of such watershed or reservation  
4 as specified by the Court, the Department shall provide notice thereof in the  
5 following manner:

6           A.     The Department shall file a notice with the clerk of the court.  
7 The notice will specify where the preliminary HSR is available for inspection or  
8 purchase, the deadline and procedure for submitting comments on the preliminary  
9 HSR, and procedures for obtaining additional information.

10          B.     The Department shall issue a press release containing the  
11 information stated in the court notice. The Department shall publish the press  
12 release on the Department's internet web site and in newspapers of general  
13 circulation throughout the Little Colorado River adjudication area.

14          C.     The Department shall send a copy of the court notice by first-  
15 class mail to those persons included on the court-approved mailing list and to each  
16 claimant and non-claimant water user in the geographic area covered by the  
17 preliminary HSR.

18          D.     If the preliminary HSR was prepared for a watershed, the  
19 Department shall send by first-class mail to each claimant and nonclaimant water  
20 user that portion of the preliminary HSR describing each specific water use or claim  
21 by that person.

22          E.     If the preliminary HSR was prepared for an Indian reservation,  
23 the Department shall provide a copy of the entire preliminary HSR to the counsel of  
24

1 record for the tribe or, if none, an appropriate tribal representative for the Indian  
2 reservation and to the United States in its capacity as trustee for the Indian tribe. If  
3 the preliminary HSR was prepared for another federal reservation, the Department  
4 shall provide a copy of the entire preliminary HSR to the United States.

5 F. Within a tribal or federal reservation, the Department shall  
6 identify claims or water uses associated with allotted or fee land owned by persons  
7 other than the tribe or the United States. For each specific water use or claim on  
8 such allotted or fee land, the Department shall send by first-class mail to each  
9 claimant and non-claimant water user that portion of the preliminary HSR  
10 describing each specific water use or claim by that person. In the event that the  
11 ownership of allotted or fee land within a reservation cannot be reasonably  
12 ascertained, the Department shall publish a copy of the court notice in the manner  
13 specified by Rule 4.2(f), ARIZONA RULES OF CIVIL PROCEDURE. The Department shall  
14 also publish the notice in the county in which the land is located.

15 **3. Inspection of Preliminary Report**

16 After the Department has completed a preliminary HSR for a watershed or  
17 reservation, or any portion of such watershed or reservation as specified by the  
18 Court, the Department shall make copies of the preliminary HSR available for  
19 inspection and purchase in the following manner:

20 A. The Department shall file a copy of the preliminary HSR with  
21 the clerk of the court.

1           B.     The Department shall provide copies of the preliminary HSR to  
2 county court clerks and public libraries located throughout the Little Colorado River  
3 adjudication area.

4           C.     The Department shall make copies of the preliminary HSR  
5 available for purchase at the Department's main office. The Department shall also  
6 make copies of the preliminary HSR available for inspection at each of the  
7 Department's active management area offices.

8           D.     The Department shall undertake reasonable efforts to make the  
9 preliminary HSR available in an electronic format.

10           **4.     Comments on Preliminary HSR**

11           A.     The Department shall establish a deadline for submitting  
12 comments to the Department on a preliminary HSR. The deadline shall be  
13 included in the notice of the preliminary HSR filed with the clerk of the court  
14 pursuant to paragraph 2 of this order and shall be no less than 90 days after filing the  
15 notice.

16           B.     With the Court's approval, the Department may extend the  
17 deadline for submitting comments on the preliminary HSR. The Department shall  
18 provide notice of any approved extension of the comment period in the same  
19 manner as the original notice under paragraph 2 of this order.

20           C.     With the Court's approval, the Department may revise the  
21 preliminary HSR and issue another preliminary HSR. The notice of additional  
22 preliminary HSRs will comply with this order.

1           **5.     Final Hydrographic Survey Report (HSR)**

2           After the Department has completed the procedures required under  
3 paragraphs 2 through 4 of this order, the Department shall prepare a final HSR and  
4 provide notice thereof in the following manner:

5           A.     At least 120 days before the final HSR is published, the  
6 Department shall file a notice with the clerk of the court. This 120-day notice shall  
7 state the date on which the final HSR is to be filed and the deadlines for filing a new  
8 statement of claimant or amendment to an existing statement of claimant as  
9 provided by ARIZ. REV. STAT. § 45-254. The Department shall send a copy of this 120-  
10 day notice by first-class mail to all persons listed on the court-approved mailing list,  
11 all claimants in the geographic area covered by the final HSR, and all non-claimant  
12 water users in the geographic area covered by the final HSR.

13           B.     Upon filing the final HSR with the clerk of the court, the  
14 Department shall also file a notice of commencement of the objection period with  
15 the clerk of the court. This objection notice shall specify where the final HSR will be  
16 available for inspection or purchase, the deadline and procedure for submitting  
17 objections to the final HSR, and the procedures for obtaining additional  
18 information. If a special master has been appointed, the notice may be combined  
19 with any additional information required by the master.

20           C.     The Department shall issue a press release containing the  
21 information stated in the objection notice. The Department shall publish the press  
22 release on its internet web site and in newspapers of general circulation throughout  
23 the Little Colorado River adjudication area.

1           D.     The Department shall send a copy of the objection notice by first-  
2 class mail to those persons included on the court-approved mailing list, to each  
3 claimant and nonclaimant water user in the geographic area covered by the final  
4 HSR, and to every other claimant in the Little Colorado River adjudication.

5           E.     If the final HSR was prepared for a watershed, the Department  
6 shall send with the objection notice to each claimant and nonclaimant water user  
7 that portion of the final HSR describing each specific water use or claim by that  
8 person.

9           F.     If the final HSR was prepared for an Indian reservation, the  
10 Department shall provide a copy of the objection notice and the entire final HSR to  
11 the counsel of record for the tribe or, if none, to an appropriate tribal representative  
12 for the Indian reservation and to the United States in its capacity as trustee for the  
13 Indian tribe. If the final HSR was prepared for another federal reservation, the  
14 Department shall provide a copy of the objection notice and the entire final HSR to  
15 the United States.

16           G.     If the Department has identified claims or water uses associated  
17 with allotted or fee land, as discussed in paragraph 2(F) of this Order, the  
18 Department shall send by first-class mail to each claimant and non-claimant water  
19 user a copy of the objection notice and that portion of the final HSR describing each  
20 specific water use or claim by that person. In the event that the ownership of  
21 allotted or fee land within a reservation cannot be reasonably ascertained, the  
22 Department shall publish a copy of the objection notice in the manner specified by  
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1 Rule 4.2(f), ARIZONA RULES OF CIVIL PROCEDURE. The Department shall also publish  
2 the objection notice in the county in which the land is located.

3 **6. Inspection of Final Hydrographic Survey Report (HSR)**

4 After the Department has completed a final HSR, the Department shall make  
5 copies of the final HSR available for inspection and purchase in the same manner as  
6 specified for preliminary HSRs by paragraph 3 of this order.

7 **7. Objections to Final Hydrographic Survey Report (HSR)**

8 A. Claimants may file objections in the manner specified by statute,  
9 the pretrial orders of this Court, and the RULES FOR PROCEEDINGS BEFORE THE  
10 SPECIAL MASTER § 6.00 *et seq.* (Nov. 1, 1991).

11 B. The Department shall assist the Court and special master in  
12 determining the procedures and preparing the objection forms, instructions, and  
13 other documents necessary for filing objections to the final HSR.

14 C. The Department shall provide copies of objection forms and  
15 instructions upon request.

16  
17 Dated this 26th day of July 2000.

18 /s/ Edward L. Dawson

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20 EDWARD L. DAWSON  
21 Judge of the Superior Court  
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