

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

IN CHAMBERS (X) IN OPEN COURT ()

SPECIAL MASTER GEORGE A. SCHADE, JR.
Presiding

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

DATE: October 31, 2008

CV 6417-201

ORDER MODIFYING THE
CASE INITIATION ORDER BY
EXTENDING THE TIME TO
EXCHANGE EXPERT REPORTS
AND MODIFYING THE
DISCLOSURE INPUT FORM

CONTESTED CASE NAME: *In re Hopi Tribe Priority.*

HSR INVOLVED: None.

DESCRIPTIVE SUMMARY: The Special Master grants requests to modify the Case Initiation Order by extending the date for exchange of expert reports and modifying the Disclosure Input Form.

NUMBER OF PAGES: 3.

DATE OF FILING: October 31, 2008.

A group of parties and the Navajo Nation requested that the Special Master modify the Case Initiation Order dated September 8, 2008, to extend the date for exchange of expert reports to March 9, 2009, at the earliest. The Hopi Tribe responded it had no objection to the extension. No objections were filed to this request.

The date set in the Case Initiation Order was based on comments made at the telephonic conference held on June 2, 2008, but the request to extend the date for exchanging expert reports is reasonable and will be granted.

The same group of movants pointed to the Court's practice of providing that an "expert's report constitutes his or her direct testimony at trial," and that the "Court has consistently required that any expert opinions to be given at trial must be included within the expert's report." The procedure was first used by Judge Ballinger in the subflow hearings held in the Gila River Adjudication. This practice has not been formally adopted for this contested case. In the event a request to do so is made, the Special Master recommends that all expert reports be prepared as if the practice will be adopted for this case.

The Navajo Nation requested that certain instructions and fields be added to the Disclosure Input Form that the Arizona Department of Water Resources ("ADWR") was directed to prepare as part of an electronic data base and index. No objections were filed to this request. The Special Master confirmed with ADWR that the requests are feasible to program. Accordingly, the Navajo Nation's requests will be adopted.

Counsel and litigants are reminded the docket number of this contested case is CV 6417-201, which should be placed on all documents filed in this case, and that Judge Ballinger is not part of this case's Court approved mailing list.

IT IS ORDERED:

1. Modifying Paragraph 8(A)(2)(subsections a, b, c, e, i, and j) and adding subsection k (Electronic Data Base and Index Provided by ADWR) of the Case Initiation Order as follows:

(2). Complete a Disclosure Input Form in Microsoft Excel format for each disclosed document containing the following searchable index fields:

a. Title or description of document. The verbatim title of the document shall be used. If a document does not have a title, a brief description in square brackets shall be provided.

b. Unique identifying number created by the disclosing party for each document. The unique identifying number shall be limited to ten alpha numeric characters.

c. Date of publication or preparation of document. The format shall be YYYY/MM/DD. Where a date is not identified in a document, the format shall be

YYYY/MM/00. Where neither a date nor a month is identified, the format shall be YYYY/00/00.

e. Recipient. The format shall be Last Name, First Name.

i. Subject matter of document (up to three categories). To the extent a party wishes to use the subject matter field, information already entered in any other field shall not be repeated in the subject matter field.

j. Author. The format shall be Last Name, First Name.

k. Recipient Title Position. The format shall be Position Title, Employee Entity.

2. Modifying Paragraph 9 (Expert Reports) of the Case Initiation Order to provide that on or before **March 9, 2009**, all parties shall exchange expert reports that a party considers relevant to the issues designated for briefing. Parties may stipulate to a different date but not later than March 9, 2009.

DATED: October 31, 2008.

/s/ George A. Schade, Jr.
GEORGE A. SCHADE, JR.
Special Master

On October 31, 2008, the original of the foregoing was mailed to the Clerk of the Apache County Superior Court for filing and distributing a copy to all persons listed on the Court approved mailing list for the Little Colorado River Adjudication Civil No. 6417-201 dated July 25, 2008.

/s/ Barbara K. Brown
Barbara K. Brown