

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTIES OF APACHE AND MARICOPA

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
GILA RIVER SYSTEM AND SOURCE

DATE: June 12, 2006

CIVIL NO. W1-104

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

CV 6417-100

ORDER POSTPONING TIME FOR
OTHER PARTIES TO FILE
MOTIONS FOR SUMMARY
JUDGMENT AND DENYING
REQUEST TO CHANGE STATUS
CONFERENCE

CONTESTED CASE NAME: *In re State Trust Lands.*

HSR INVOLVED: None.

DESCRIPTIVE SUMMARY: The Special Master postpones the June 9, 2006, deadline for other parties to file motions for summary judgment and denies a request to change the status conference set on June 20, 2006.

NUMBER OF PAGES: 3.

DATE OF FILING: June 12, 2006.

On June 7, 2006, the Special Master informed the parties in this contested case that a written order would follow his rulings concerning (1) the request of the United States for an extension of the June 9, 2006, deadline for other parties to file motions for summary judgment and (2) the request of the Navajo Nation to move back the June 20, 2006, status conference should the June 9, 2006, deadline be extended as requested by the United States.

The United States requested an extension of time until June 30, 2006, for other parties to file motions for summary judgment. ASARCO LLC and Abitibi Consolidated Sales Corporation (“Abitibi”) filed a joinder and requested an expedited determination. The San Carlos Apache Tribe, Tonto Apache Tribe, and the Yavapai-Apache Nation (“Apache Tribes”) filed a joinder and moved for an extension of time until June 30, 2006. The Navajo Nation did not oppose the request, but asked that if the June 9, 2006, deadline was extended that the June 20, 2006, status conference be moved to a time after all motions for summary judgment have been filed.

The Special Master postponed the June 9, 2006, deadline until further order following the status conference. A postponement will allow all parties to have the same opportunity to review the State of Arizona’s amended motion. The Special Master plans to set a new deadline at the status conference. An extension of time may be short so parties should be prepared to file their motions for summary judgment promptly after the conference.

Although this deadline is postponed, the Navajo Nation’s request to change the June 20, 2006, status conference is denied because it would be helpful for counsel and the Special Master to assess where this contested case stands, some deadlines will have to be modified and some new ones set, and other parties may raise issues that merit discussion at this point. Discussion of those issues may benefit the preparation of and responses to summary judgment motions. Moreover, a group of 18 different parties has already filed its motion for summary judgment.

The Special Master plans to discuss the following matters at the status conference:

1. The status of discovery which was to be completed by May 9, 2006.
2. The briefing schedule for the State of Arizona’s motion for leave to amend its motion for partial summary judgment.
3. The scope of A.R.S. § 12-1841.
4. Setting a new deadline for other parties to file motions for summary judgment.
5. Setting deadlines for filing responses and replies to all motions for summary judgment.
6. Setting a date, duration, and location of oral argument on all summary judgment motions.
7. Any other motions that might be filed prior to the status conference.
8. Any issues and appropriate procedures that will aid this contested case.

IT IS ORDERED:

1. The motion of ASARCO LLC and Abitibi for an expedited determination of the United States' request for an extension of time is granted to the extent the existing deadline is postponed but denied to the extent that a new date is not set at this time but will be following the June 20, 2006, status conference.

2. The motions of the United States and of the Apache Tribes for an extension of time is granted to the extent that June 9, 2006, the last day for other parties to file motions for summary judgment, is postponed but denied to the extent that a new date will be set following the status conference.

3. The request of the Navajo Nation to change the date of the June 20, 2006, conference is denied.

DATED: June 12, 2006.

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

On June 12, 2006, an original of the foregoing was mailed to the Clerk of the Apache County Superior Court for filing, and a duplicate original was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing to the persons who appear on the Court-approved mailing list for this contested case dated February 28, 2006.

/s/ KDolge
Kathy Dolge