

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF 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: May 2, 2002

CIVIL NOS. W1-11-1174 and
-1175, -1216, -1519, -1532, -2408,
-2411, -2663, -2672, -2861, -3284,
-3287, -3290, -3295, -3340, -3342

CONTESTED CASE NAME: *In re PWR 107 Claims.*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: The Special Master initiates proceedings in the contested cases associated with the U.S. Bureau of Land Management claims pursuant to Public Water Reserve No. 107, consolidates the related contested cases into Contested Case No. W1-11-1174, and announces a prehearing conference.

PROCEEDING NO.: SP 34.

NUMBER OF PAGES: 4; Attachment A (2 pgs.); Attachment B (1 pg.): total 7 pgs.

DATE OF FILING: Original delivered to the Clerk of the Court on May 2, 2002.

CASE INITIATION AND CONSOLIDATION ORDER

This matter coming before the Court on the objections filed to the 1991 Final San Pedro Hydrographic Survey Report ("Final San Pedro HSR"), and after considering the comments filed in response to a prior order, the Special Master orders the following:

1. Contested Case Consolidation. Certain objections were filed to the watershed file reports (“WFRs”) listed in Attachment A that are part of the Final San Pedro HSR. A separate contested case was originally set up for each listed WFR. Because each WFR is associated with claims filed by the U.S. Bureau of Land Management pursuant to Public Water Reserve No. 107 (“PWR 107”), Contested Case No. W1-11-1174, each contested case listed in the caption and in Attachment A is ordered consolidated with Contested Case No. W1-11-1174.

2. Contested Case Designation. The objections filed to the WFRs listed in Attachment A will be resolved as part of *In re PWR 107 Claims*, Contested Case No. W1-11-1174.

3. Purpose of Order. This case management order begins proceedings in this contested case and sets the time, date, and location for the first prehearing conference for the organization and scheduling of the case.

4. Litigants in the Contested Case. Until otherwise ordered, the litigants in this contested case are:

- a. The claimant/owner U.S. Bureau of Land Management – Safford District.
- b. All persons who filed objections to the WFRs listed in Attachment A.

The inclusion as parties in this contested case of lessees, allottees, or permittees of land reported in the listed WFRs will be determined at the prehearing conference. The Special Master will ask the U.S. Bureau of Land Management to provide a list of names and addresses of lessees, allottees, or permittees associated with these WFRs. In the absence of any issues regarding these parties, the list may be submitted at the prehearing conference.

Attachment B is the Court-approved mailing list showing the litigants. If your name or address is incorrect, contact the office of the Special Master to make changes. All documents filed in this case must be served on each person or entity listed on the Court-approved mailing list for this case, which list may be modified from time to time.

5. Prehearing Conference. You or your attorney are ordered to attend a prehearing conference, held under the provisions of Rule 16, ARIZONA RULES OF CIVIL PROCEDURE, for the purpose of determining the following:

- a. Need for and a schedule for filing amended statements of claimant
- b. Need to update and scope of updating of WFRs
- c. Role of the Arizona Department of Water Resources in updating WFRs
- d. Schedule for filing new or amended objections
- e. Identifying legal or procedural issues, if any, that merit briefing
- f. Schedule for briefing selected legal or procedural issues

- g. Use of a settlement process to resolve objections related to water right attributes or other objections that may be amenable to settlement
- h. Need and methods for the discovery of information
- i. Schedule for subsequent proceedings, and
- j. Any other matters that would expedite the disposition of this case.

The prehearing conference will be held as follows:

1:30 p.m. -- Tuesday, June 11, 2002
Conference Room 230
Arizona State Courts Building
1501 W. Washington Street
Phoenix, Arizona

The conference will be conducted by the Special Master and will be recorded. The litigants should bring their copies of statements of claimant, the watershed file report, and the objections. No pleadings need to be filed in advance of the conference. Neither the Special Master nor the attorneys for any other party can give you legal advice about your claims or objections. If you desire legal assistance, you must contact an attorney.

6. Discovery Stayed. The discovery of information pursuant to Rule 26 and the disclosure of information pursuant to Rule 26.1, ARIZONA RULES OF CIVIL PROCEDURE, are STAYED until further ordered.

The Special Master wishes to hear suggestions to avoid inefficient and wasteful discovery, and from ADWR its capability to provide a central repository of information.

7. Additional Information. If you desire more information about the Gila River Adjudication, you may wish to contact the following offices (none of these offices can give you legal advice):

a. For information about hydrographic survey reports, specific WFRs, copies of pleadings, filing or reviewing discovery information, ordering a docket subscription for "W-1, W-2, W-3 & W-4" and the San Pedro River watershed proceedings (W1-11), or obtaining other publications and reference material concerning the adjudications:

Arizona Department of Water Resources
500 North Third Street
Phoenix, AZ 85004-3903
(602) 417-2405 (Phoenix area)
1-(800) 352-8488 (Toll free from inside Arizona)
1-(602) 417-2405 (Outside Arizona)

b. For information about filing pleadings, reviewing contested case files, obtaining copies of pleadings, or ordering a docket for an individual contested case:

Clerk of the Superior Court
Maricopa County
Attn: Water Case
601 W. Jackson Street
Phoenix, AZ 85003
(602) 506-4139 or 506-1351

- c. For other information about the adjudications:

Office of the Special Master
Arizona State Courts Building
1501 W. Washington, Suite 228
Phoenix, AZ 85007
(602) 542-9600; Fax 542-9602
TDD 542-9545 (7 a.m. to 11 p.m.)
www.supreme.state.az.us/wm/

DATED: May 2, 2002

/s/ George A. Schade, Jr.

GEORGE A. SCHADE, JR.
Special Master

The original of the foregoing delivered on May 2, 2002, to the Clerk of Maricopa County Superior Court for filing; also, copies mailed to those parties who appear on the Court-approved mailing list for Case No. W1-11-1174 (Consolidated) dated May 2, 2002 (Attachment B).

/s/ KDolge

Kathy Dolge

Attachment A:
Public Water Reserve No. 107 Claims

	WFR No.	Contested Case No.	Claimant/ Owner	Lessee/Allottee	Objectors *
1	111-24-20	W1-11-1174	BLM	Michael W. & Billie Joan Power	BLM GRIC Apache Tribes SRP
2	111-24-22	W1-11-1175	BLM	Albert D. Thomas	BLM GRIC Apache Tribes SRP
3	111-24-87	W1-11-1216	BLM	none	GRIC Apache Tribes SRP
4	112-15-54	W1-11-1519	BLM	Robert Carl Durham	BLM GRIC Apache Tribes SRP
5	112-15-109	W1-11-1532	BLM	none	BLM GRIC Apache Tribes SRP
6	113-5-8	W1-11-2408	BLM	Virgil E. Mercer	BLM GRIC Apache Tribes SRP Phoenix
7	113-5-13	W1-11-2411	BLM	none	GRIC Apache Tribes SRP
8	113-12-8	W1-11-2663	BLM	Arizona Chapter, Nature Conservancy	BLM GRIC Apache Tribes SRP
9	113-12-17	W1-11-2672	BLM	Riley West, Inc.	BLM GRIC Apache Tribes

* BLM = Bureau of Land Management – Safford District; GRIC = Gila River Indian Community; Apache Tribes = San Carlos Apache Tribe, Tonto Apache Tribe, Yavapai-Apache Indian Community (Camp Verde Reservation); SRP = Salt River Project.

	WFR No.	Contested Case No.	Claimant/ Owner	Lessee/Allottee	Objectors
10	114-4-10	W1-11-2861	BLM	Goodman Ranches, Inc.	BLM GRIC Apache Tribes SRP
11	115-2-7	W1-11-3284	BLM	Aravaipa Cattle Co.	BLM GRIC Apache Tribes SRP
12	115-2-11	W1-11-3287	BLM	George Claridge	BLM GRIC Apache Tribes San Carlos Apache Tribe re boundary SRP Wilford H. Claridge
13	115-2-16	W1-11-3290	BLM	none	BLM GRIC Apache Tribes SRP
14	115-4-5	W1-11-3295	BLM	Gentry Realty, Inc.	BLM GRIC Apache Tribes San Carlos Apache Tribe re boundary SRP
15	115-5-17	W1-11-3340	BLM	Arizona Chapter, Nature Conservancy	BLM GRIC Apache Tribes SRP ASARCO
16	115-5-19	W1-11-3342	BLM	none	BLM GRIC Apache Tribes SRP ASARCO AZ Game & Fish AZ State Land Dep't City of Benson City of Sierra Vista

Attachment B
Court-approved Mailing List -- May 2, 2002
PWR 107 Claims (14 names)
Prepared by the Office of the Special Master

Clerk of the Superior Court
Maricopa County
Attn: Water Case
601 W. Jackson Street
Phoenix AZ 85003

The Hon. Eddward P. Ballinger, Jr.
Judge of the Superior Court
101 W. Jefferson, 5th Floor
Phoenix AZ 85003

Attorney for City of Phoenix
City Attorney's Office
M. James Callahan
200 W. Washington, 13th Floor
Phoenix AZ 85003-1611

Attorney for ASARCO, Inc.
Fennemore Craig
Lauren J. Caster
3003 N. Central Ave., Suite 2600
Phoenix AZ 85012-2913

Wilford H. Claridge
P. O. Box 183
Thatcher AZ 85552

AZ Attorney General's Office representing
AZ Game & Fish Dep't; AZ State Land Dep't
Attn: Graham M. Clark, Jr. & Thomas Shedden
Natural Resources Section
1275 W. Washington
Phoenix AZ 85007-2926

U.S. Dep't of Justice
Environment & Natural Resources Div.
Attn: R. Lee Leininger
999 18th Street, Suite 945 NT
Denver CO 80202

Salt River Project
c/o Salmon, Lewis & Weldon, P.L.C.
Attn: M. Byron Lewis, J.B. Weldon, M.A.
McGinnis
2850 E. Camelback Rd., Suite 200
Phoenix AZ 85016

Gila River Indian Community
Office of Water Rights
Rodney B. Lewis, S. Heeley, J. Hestand
5002 N. Maricopa Rd., Box 5090
Chandler AZ 85226

Bureau of Land Management
Safford District Office
Delbert Molitor
711 14th Avenue
Safford AZ 85546

Attorney for City of Sierra Vista & City of Benson
Jennele Morris O'Hair, P.C.
P. O. Box 568
Vail AZ 85641-0568

Dep't of Water Resources
Legal Division
Janet L. Ronald
500 N. 3rd St.
Phoenix AZ 85004-3903

Special Master
Arizona General Stream Adjudication
George A. Schade, Jr.
1501 W. Washington, Suite 228
Phoenix AZ 85007

Attorney for San Carlos Apache Tribe
Sparks, Tehan & Ryley, P.C.
Joe P. Sparks
7503 First Street
Scottsdale AZ 85251-4573