

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

IN CHAMBERS ( X ) IN OPEN COURT ( )

SPECIAL MASTER SUSAN WARD HARRIS.

Presiding

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

DATE: November 5, 2015

CIVIL NO. W1-11-1174

ORDER REGARDING TIMELINES

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

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: The Special Master sets timelines for motions and sets a date for an evidentiary hearing.

NUMBER OF PAGES: 2.

DATE OF FILING: November 5, 2012

On October 28, 2015, the San Carlos Apache Tribe and the United States on behalf of the Department of the Interior, Bureau of Land Management (“United State”) reported that settlement negotiations are continuing with respect to the remaining sixteen claims for which the United States asserting a federal reserved water right pursuant to Public Water Reserve No. 107 (“PWR 107”). The most recent settlement discussions appear to have been ongoing since some time prior to 2012. Counsel for the San Carlos Apache Tribe requested that the parties be allowed until February 2016 to complete settlement negotiation to allow sufficient time for the San Carlos Apache Tribe’s representatives to physically inspect the springs which are the subject of the 16 claims and their respective flows. The United States does not disagree with this proposed

timeline and indicated that an additional four months should be adequate to reach a settlement agreement

The San Carlos Apache Tribe contests the location of the southern boundary of the San Carlos Apache Reservation relied upon by the United States in the submission of the 16 claims. The Court does not have jurisdiction to resolve the San Carlos Apache Tribe's challenge to the boundary. Neither party reported that there is currently any action underway to resolve the San Carlos Apache Tribe's objection to the location of the boundary. Thus, any adjudicated and decreed right issued by the Court to the 16 claims may be subject to modification if action is taken by either party to obtain a federal judicial determination of the boundary.

The parties assert that there are disputes with respect to the remaining 16 claims in this case other than the location of the southern boundary of the San Carlos Apache Tribe Reservation.

IT IS ORDERED that:

1. The United States shall make available to all parties, the map created by the Bureau of Indian Affairs and Bureau of Land Management on or about March 10, 2014, with respect to the 16 claims.
2. On or before **February 29, 2016**, the United States and the Tribe shall report whether a settlement agreement has been executed, and if so, the date by which they anticipate filing the stipulation and proposed abstracts of water rights.
  - a. After an agreement is reached and properly executed by parties, the United States shall submit to ADWR the complete proposed stipulation and abstracts of water rights.
  - b. Within ninety days after receipt of the proposed stipulation and abstracts of water rights, ADWR shall review the stipulation and proposed abstracts of water rights in accordance with the following directives previously used in this case and file:
    - i. ADWR's recommendations regarding the stipulation and abstracts.
    - ii. ADWR shall not prepare a comprehensive technical report; instead, its review shall be limited to the accuracy and completeness of the factual information contained in the proposed stipulation and abstracts of water rights. During the course of ADWR's review, if it would facilitate and expedite, but not delay, the

process, ADWR and the settling parties may discuss the stipulation and abstracts and make factual corrections.

iii. If all the objectors have not executed the proposed stipulation, the non-settling objectors in this case will have a period of thirty days to comment on the stipulation, abstracts of water rights, and ADWR's recommendations. And,

c. Claimants will have sixty days to file objections to the Special Master's report. The last day to file objections will be set forth in the report. Thereafter, the Court will consider the report and enter its decision.

3. In the absence of an executed settlement agreement between the Tribe and United States, the Tribe shall file a motion on or before **March 16, 2016**, addressing its objections to the United States' 16 claims other than issues related to the location of the southern boundary of the San Carlos Apache Reservation. Responses to the Tribe's motion shall be filed on or before **April 18, 2016**. A Reply shall be filed on or before **May 3, 2016**.
4. Upon a resolution of the motion and an identification of the remaining factual issues that must be resolved by evidentiary hearing, a schedule will be issued for filing of disclosure statements and, if needed, dates for completion of discovery and exchange of expert reports, and a date will be set for the evidentiary hearing.

DATED: November 5, 2015

  
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SUSAN WARD HARRIS  
Special Master

On November 5, 2015, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court approved mailing list for Contested Case No. W1-11-1174 dated July 20, 2015.