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

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

W-1, W-2, W-3, W-4 (Consolidated)

**ORDER DENYING APPLICATION
FOR ORDER TO SHOW CAUSE**

CONTESTED CASE NAME: None.
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: Order denying Application for an Order to Show Cause and Referral to Special Master for appropriate proceedings consistent with this Order.
NUMBER OF PAGES: 3.
DATE OF FILING: February 27, 2017.

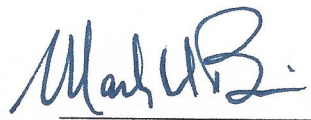
Freeport Minerals Corporation (“Freeport”) filed an Application for an Order to Show Cause Why Any Unasserted Federal Reserved Water Right Claims for Existing Reservations in the San Pedro River Watershed Should Not Be Deemed Waived (“Application”). In its Application,

1 Freeport seeks an order finding that the United States has waived all claims to water based on
2 federal reserved water rights in the San Pedro River watershed that are not included in a currently
3 filed Statement of Claimant.

4 The United States and the Salt River Project correctly stated in their responses, a person
5 may file a statement of claim without leave of the court until “the conclusion of hearings by the
6 master for a subwatershed or federal reservation within the river system and source”. A.R.S. §45-
7 254(E)(2). The Special Master has not concluded hearings in the San Pedro River watershed. The
8 United States contends that it must be treated “fairly and equally to state claimants. ... the same
9 standards must be applied equally to all claimants.” United States’ Response, pp. 3-4. This Court
10 finds that no argument has been presented that the United States can be estopped and barred from
11 filing its claims in the San Pedro River watershed prior to the deadline set by the Arizona
12 legislature.
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15 **IT IS ORDERED** denying the Application for an Order to Show Cause Why Any
16 Unasserted Federal Reserved Water Right Claims for Existing Reservations in the San Pedro River
17 Watershed Should Not Be Deemed Waived.

18 **IT IS FURTHER ORDERED** referring this matter to the Special Master to hold
19 appropriate proceedings for the purpose of determining whether the United States intends to assert
20 additional claims in the San Pedro River watershed based on federal reserved water rights for
21 which it has not filed a statement of claimant and recommending a schedule by which such claims
22 should be filed to further the efficient administration of this adjudication.
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25  2/22/2017

26 Hon. Mark H. Brain
27 Judge of the Superior Court
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A copy of this order is mailed to all persons listed on the Court approved mailing list for W-1, W-2, W-3, and W-4 (Consolidated).