

SUPERIOR COURT OF ARIZONA
APACHE COUNTY AND MARICOPA COUNTY

04/05/2012

CLERK OF THE COURT
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

L. Nevenhoven
Deputy

COPY

FILED: 04/05/2012

In Re the General Adjudication of All Rights to
Use Water in The Little Colorado River System
and Source

CV-6417

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)

In re Comments and Hearing

In re Request to Set Gila Steering Committee and
Little Colorado River Settlement Committee
Meeting to Discuss and Consider Possible
Adoption of Special Procedural Order for Review
and Approval of Non-Indian Water Rights
Settlements

MINUTE ENTRY

After review of the requests to set a meeting of the Little Colorado River Adjudication Settlement Committee and the Gila River Adjudication Steering Committee, the drafts of a proposed special procedural order, and the comments submitted to date, the Court finds that the revised draft order attached to the June 6, 2011, report of the Settlement Committee offers a starting point for further discussion. The revised draft order contains many, but not all, of the modifications suggested in the comments. The Court has considered the submitted comments of the parties and has prepared a copy of a proposed order, which is attached as Exhibit "A."

The efforts of both committees to reach consensus on a special procedural order applicable in both adjudications are appreciated. Several suggested modifications raise legal issues that require further discussion. An issue is whether this Court's adopted order should be certified to the Arizona Supreme Court for its approval. The Court has considered the comments of both committees on how to proceed and orders as follows.

IT IS ORDERED:

1. Allowing any party until July 27, 2012, to submit new comments concerning the attached revised draft special procedural order and its adoption and approval. It is not necessary to submit comments or arguments previously made. The Court wishes to hear new comments concerning the binding effect of an approved settlement on non-signatory claimants, the contents of a technical report prepared by the Arizona Department of Water Resources, and the administration of an approved settlement.
2. If deemed helpful, the Settlement and Steering Committees may continue to meet, and if they are able to reach consensus, the committees may jointly submit a draft proposed special procedural order no later than July 27, 2012.
3. Setting a hearing to discuss all comments and submissions of a draft proposed special procedural order commencing on September 18, 2012 at 10:00 a.m., in this division, at the Southeast Juvenile Court Center, 1810 South Lewis, Mesa, Arizona 85210, Courtroom 9.
4. Signing this entry as an order of the Court.

/s/ Eddward P. Ballinger, Jr.
JUDICIAL OFFICER OF THE SUPERIOR COURT

A copy of this order is mailed to all parties on the court approved mailing lists for the Little Colorado River Adjudication, Civil No. 6417, and the Gila River Adjudication, W-1, W-2, W-3, W-4 (Consolidated), both dated January 31, 2012.