

SUPERIOR COURT OF ARIZONA
APACHE COUNTY
MARICOPA COUNTY

10/08/2008

CLERK OF THE COURT
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

R. TOMLINSON
DEPUTY

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

W1-104

FILED: 10/23/2008

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

CV-6417-100

In Re State Trust Lands

In Re Motion of New Mexico
Commissioner of Public Lands for
Leave to File Brief as Amicus Curiae

MINUTE ENTRY

Patrick H. Lyons, Commissioner of Public Lands for the State of New Mexico (the "New Mexico Commissioner") seeks leave to file a brief in this proceeding as *amicus curiae* in support of the Arizona State Land Department/State of Arizona's Motion for Partial Summary Judgment Establishing the Existence of Federal Reserved Water Rights for State Trust Lands filed on June 21, 2004. The Court has reviewed the memoranda filed in support of and in opposition to this request. While the Court is confident that the New Mexico Commissioner possesses expertise relevant to the issues to be addressed in the pending motion, the Court is equally confident that those representing the State of Arizona and the Arizona State Land Department possess this expertise. The Court is also concerned, in this instance, with the need to accommodate legitimate concerns of opposing parties should the New Mexico Commissioner's request be granted. Based upon the foregoing,

IT IS ORDERED denying the New Mexico Commissioner leave to file a brief as *amicus curiae* in this proceeding.

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

A copy of this order is mailed to Charles T. DuMars, Esq., Law & Resource Planning Associates, P.C., 201 Third Street NW, No. 1750, Albuquerque, New Mexico 87102, attorney for the New Mexico Commissioner, and to all parties on the Court approved mailing lists for the Gila River Adjudication, W-1, W-2, W-3, W-4 (Consolidated), and the Little Colorado River Adjudication, Civil No. 6417, both dated July 25, 2008.