

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

07/20/2004

CLERK OF THE COURT
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

R. Luiszer
Deputy

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

FILED: August 3, 2004

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

MINUTE ENTRY

On November 22, 2002, the State of Arizona filed a Motion for Partial Summary Judgment in the Little Colorado River Adjudication seeking an order from this court declaring that the approximately 8.8 million acres of land currently held in trust by the State, which was acquired by way of various grants from the United States government, possess federal reserved water rights in accordance with the principles recognized in *Winters v. United States*, 207 U.S. 564 (1908), *Arizona v. California*, 373 U.S. 546 (1963) and *Cappaert v. United States*, 426 U.S. 128 (1976). The State requested that the court set a briefing schedule and oral argument on its motion.

Several parties filed responses in support and in opposition to the State's requests. On March 6, 2003, the court deferred consideration of the motion until the first general hearing held in the Little Colorado River Adjudication during 2004.

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At a recent hearing, the court informed the parties that it believed the State's motion, if granted, could have significant impact on both of Arizona's pending adjudications. Accordingly, the court instructed the State to file its motion (and the accompanying request for oral argument and a briefing schedule) in the Gila River Adjudication. The State filed its requests on June 21, 2004.

To ensure that all potentially affected claimants in both adjudications are given adequate notice of the relief requested and an opportunity to be heard,

IT IS ORDERED, that a joint status hearing for claimants in the Little Colorado River Adjudication and the Gila River Adjudication will be held on October 1, 2004 at 1:30 p.m. in the Central Court Building, Courtroom 402, 201 West Jefferson Avenue, Phoenix, Arizona, to consider whether the court will set oral argument and a briefing schedule on the State's Motion for Partial Summary Judgment declaring Federal Reserved Water Rights for State Trust Lands.

* * * *

A copy of this minute entry is mailed to all parties on the Court-approved W-1, W-2, W-3 and W-4 mailing list dated July 1, 2004.