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For questions concerning scheduling or procedure, contact Kathy Dolge at the Office of the Special Master, Arizona State Courts Building, 1501 W. Washington, Suite 228, Phoenix, AZ 85007; phone (602) 542-9600; TDD (602) 542-9545.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

HON. SUSAN R. BOLTON

February 6 1998

CLERK OF THE COURT FORM
R000B

No W-1, W-2, W-3, W-4 (Consolidated)

P. Woods
Deputy

Contested Case No. W1-203

In re the General Adjudication of all Rights to Use Water in the
Gila River System and Source

The Court has received and reviewed the United States Motion for Reconsideration or in the Alternative for a Stay of the 12-8-97 Order and the Salt River Project's Response thereto.

The Court considered these arguments raised by the United States prior to the issuance of its 12-8-97 minute entry outlining the procedure for disclosure on the purposes of the Gila Indian River Indian Community Reservation and the effects of prior agreements and decrees on the adjudication of its water rights, the Court considered these agreements raised by the United States. The Court has rejected them finding that it is statutorily permissible to proceed in the way that the Court has outlined. The Court also finds it is also in the best interests of the Gila River Indian Community and the litigation to proceed in this way in order to avoid unnecessary delay to the adjudication of the Gila River Indian Community's water rights.

IT IS THEREFORE ORDERED denying the Motion for Reconsideration and for a Stay of the 12-8-97 Order. The parties are to continue with the schedule set out in the 12-8-97 minute entry.

The Court has also reviewed correspondence that has been exchanged between the Arizona Department of Water Resources (ADWR) and Sparks, Tehan & Riley, P.C. concerning access to written

communications from the Department to this Court that have not been served on parties on the Court-approved mailing list.

It is the Court's view that it is permitted to consult with the ADWR on technical issues and that such consultation can be ex parte. When this judge was appointed to take over the adjudication, staff members of the ADWR gave the Court an orientation to the Department and a short primer on hydrology which the Court found necessary to begin its understanding of this case. This Court is also of the view that it is permissible for the Court to receive written communication from ADWR on technical issues without providing notice or copies to the parties to the litigation.

This matter was raised with the Court in November 1997 by Mr. Sparks when he asked that copies of all substantive written communications between ADWR and the Court be provided. At that time the Court indicated that it was not aware of any such written communication. Since that time the Court has reviewed the file and found that it was in error and that there was written correspondence requested by the Court at the time it prepared its August 1995 minute entry ordering the preparation of the preliminary HSR for the Gila River Indian Community.

While the Court believes that it has no obligation to do so, it is attaching **[attachments not included on this Web site]** a copy of that correspondence in order to correct the record in this matter. By doing so, the Court is not concluding it is obligated to provide this to the parties, nor will it necessarily do so in the future. The Court believes that the preparation of such correspondence is a proper function of the technical advisor.

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A copy of this minute entry is mailed to all parties on the Court-approved W-1, W-2, W-3, W-4 mailing list dated 1-15-98.