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4 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
5 IN AND FOR THE COUNTY OF MARICOPA
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7 IN RE THE GENERAL ADJUDICATION OF
8 ALL RIGHTS TO USE WATER IN THE GILA
9 RIVER SYSTEM AND SOURCE

W-1 (Salt)
W-2 (Verde)
W-3 (Upper Gila)
W-4 (San Pedro)
(Consolidated)

10 ORDER CONCERNING THE SPECIAL
11 MASTER'S EXPENSES AND TRANSFER
12 OF FUNDS TO THE CLERK OF THE
MARICOPA COUNTY SUPERIOR COURT

13 This matter coming before the Court on its own motion concerning the purpose of
14 compensating and paying the expenses of the Special Master appointed in this proceeding and the
15 transfer of certain funds from the Administrative Office of the Courts ("AOC") to the Clerk of the
16 Maricopa County Superior Court;

17 The Court finds that:

18 1. The approximate sum of \$26,386.45 is the balance as of June 30, 2014, of the fund of filing
19 fees paid by claimants in this adjudication pursuant to A.R.S. § 45-254(H) ("the fund").

20 2. The Clerk of the Maricopa County Superior Court administers the fund that the Maricopa
21 County Treasurer manages.

22 3. Fiscal year 2014 began on July 1, 2013, and closed on June 30, 2014. During fiscal year
23 2014, the fund accrued interest of \$167.12.

24 4. During fiscal year 2014, the Clerk received \$12,065.49 in filing fees.

1 5. Pursuant to A.R.S. § 45-255(B), the Superior Court shall fix the compensation and expenses
2 of a master who is appointed to report on legal and factual issues in this adjudication.

3 6. On May 8, 1990, pursuant to A.R.S. § 45-255(A), the Arizona Supreme Court appointed a
4 Special Master for both this adjudication and the Little Colorado River Adjudication. The first Special
5 Master began his employment and began incurring expenses on May 1, 1990.

6 7. In 1995, A.R.S. § 45-255(A) was amended to provide that “[t]he superior court judge
7 assigned to the adjudication may appoint a master or masters under Rule 53 of the Arizona rules of
8 civil procedure to report on legal and factual issues designated under a specific order of reference.”
9 This Court entered such an order on September 21, 1990, confirmed that order on April 4, 1995, and
10 entered an order of appointment and reference on March 1, 2001.

11 8. The sum of \$3,648,596.70 has previously been disbursed from the fund, of which
12 \$3,489,519.70 was disbursed to the AOC, which acts as the fiscal agent for the payment of the
13 compensation and expenses of the Special Master, and \$159,077.00 was disbursed to the Clerk of the
14 Maricopa County Superior Court. The last payment of funds to the Clerk was made on June 22, 2001.

15 9. On August 20, 2013, the Court found that “on an interim basis, allocation of the
16 compensation and expenses of the Special Master based on the proportion of claims filed in both
17 adjudications is reasonable” and set the allocation. For fiscal year 2014 the allocation was 85 percent
18 of the compensation and expenses of the Special Master was to be paid from the fund of filing fees in
19 this adjudication, and 15 percent from the Little Colorado River Adjudication fund. These expenses
20 are considered common to both adjudications.

21 10. The common expenses incurred in this adjudication during fiscal year 2014 based on the
22 approved percentage allocation of expenses for fiscal year 2014 were \$160,715.48.

23 11. No expenses paid in fiscal year 2014 were incurred solely for the benefit of the Gila River
24 Adjudication. All expenses were common.

 12. The Special Master’s common expenses incurred in fiscal year 2014 were paid from filing

1 fees and a partial fiscal year legislative appropriation. The expenses to be incurred in fiscal year 2015
2 are expected to be paid from an appropriation. There is no need to transfer funds to the AOC for the
3 compensation and expenses of the Special Master.

4 13. The AOC has not requested monies from the fund of filing fees to pay for the
5 compensation and expenses of the Special Master incurred in fiscal year 2014 and estimated expenses
6 for fiscal year 2015. Fiscal year 2015 began on July 1, 2014, and will close on June 30, 2015.

7 14. The AOC is holding the amount of \$2,043.14, accrued from savings, which it wishes to
8 transfer to the fund of filing fees administered by the Clerk of the Maricopa County Superior Court.

9 15. As of June 30, 2014, the number of statements of claimant filed in the Gila River
10 Adjudication was 83,402 and the number of statements of claimant filed in the Little Colorado River
11 Adjudication was 14,543. These totals represent a count of the files with a unique numerical prefix.
12 The number of statements of claimant filed in this adjudication is approximately 85 percent of the
13 97,945 statements of claimant filed in both proceedings. The Court finds that, on an interim basis,
14 allocation of the compensation and expenses of the Special Master based on the proportion of claims
15 filed in both adjudications is reasonable, and the allocation for the Gila River Adjudication for fiscal
16 year 2015 will be 85 percent.

17 16. Final determination of the basis for allocating the Special Master's compensation and
18 expenses between the two adjudications should be made at a later date.

19 **IT IS ORDERED:**

20 1. The AOC is requested to transfer the amount of \$2,043.14 to the Clerk of the Maricopa
21 County Superior Court, Attn: Ms. Diana Sue Hoover. The Clerk is directed to deposit these monies
22 promptly upon receipt in the account of the fund of filing fees of the Gila River Adjudication.

23 2. This order is not a final determination of the question of what proportion of the Special
24 Master's compensation and expenses should be paid from the filing fees collected in this adjudication.

1 The Court specifically reserves final determination of the basis for allocating the Special Master's
2 compensation and expenses between the two adjudications.

3 DATED: September 19, 2014.

4
5 /s/ Mark H. Brain
6 MARK H. BRAIN
7 Judge of the Superior Court

8 The original order is filed with the Clerk of
9 the Maricopa County Superior Court and a
10 copy of the order is distributed to all persons
11 who appear on the Court approved mailing
12 list for Case No. W-1, W-2, W-3, and W-4
13 (Consolidated) dated July 15, 2014.
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