

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

02/05/2007

CLERK OF THE COURT  
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

M.L. Smith  
Deputy

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

Contested Case No. W1-207

FILED: 2/23/07 8:00 a.m.

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

In re Proposed Gila River Indian  
Community Water Rights Settlement  
Special Proceeding

In Re Oral Argument: Objection of  
the Navajo Nation

MINUTE ENTRY

Northeast Courtroom 112

3:25 p.m. This is the time set for oral argument on the motion for summary disposition of the objection filed by the Navajo Nation. Present by telephone are L. Anthony Fines on behalf of the Gila Valley Irrigation District and appearing for David A. Brown on behalf of the Franklin Irrigation District, and Joe P. Sparks on behalf of San Carlos Apache Tribe, Yavapai-Apache Nation, and Tonto Apache Tribe. Present in the Courtroom are: John C. Lemaster on behalf of Phelps Dodge Corporation and Roosevelt Water Conservation District; Donald R. Pongrace, John T. Hestand, Ann Marie Chischilly, Timothy L. Pierson, and Rodney B. Lewis on behalf of the Gila River Indian Community; Scott B. McElroy and Stanley Pollack on behalf of the Navajo Nation; F. Patrick Barry on behalf of the United States; Janet L. Ronald on behalf of the Arizona Department of Water Resources; Marilyn D. Cage on behalf of the City of Goodyear; M. James Callahan on behalf of the City of Phoenix; Matt Bailey on behalf of the City of Safford; Patrick B. Sigl on behalf of the Arizona Attorney General's Office; Bill Anger on behalf of the Cities of Avondale, Glendale, Mesa, Chandler, and Scottsdale; John B. Weldon, Jr. and Lisa M. McKnight on behalf of Salt River Project; Cynthia J. Haglin on behalf of the City of Chandler; Charlotte Benson on behalf of the City of Tempe; William P. Sullivan on behalf of the Town of Gilbert; Mark A. McGinnis on behalf of the Central Arizona Water Conservation District,

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Central Arizona Irrigation and Drainage District, and Maricopa-Stanfield Irrigation and Drainage District. Special Master George A. Schade, Jr. is present.

Court Reporter, Melody O'Donnell, is present.

Mr. McElroy presents argument on behalf of the Navajo Nation.

Mr. Pongrace presents argument on behalf of the Gila River Indian Community.

Mr. Weldon presents Salt River Project's position on the objection of the Navajo Nation.

Mr. Barry presents the United States' position.

Mr. McElroy presents rebuttal argument.

4:27 p.m. Hearing concludes.

LATER:

On February 5, 2007, the Court heard oral argument on the requests of the Gila River Indian Community, Salt River Project, Phelps Dodge Corporation, and the Roosevelt Water Conservation District to dispose summarily the Navajo Nation's objection to the proposed settlement agreement and judgment and decree of the Gila River Indian Community's water rights in the Gila River Adjudication.

The Court finds that the Navajo Nation lacks standing to object because this Court's approval of the settlement agreement and the proposed judgment and decree cannot affect the Navajo Nation's water rights, claims or entitlements to water. Express provisions of the Gila River Indian Community Water Rights Settlement Act of 2004, Public Law 108-451, and of the settlement agreement, reviewed by the Court in compliance with the Arizona Supreme Court's direction in the special procedural order for approval of Indian tribes' water rights settlements, provide that any judgment and decree that might be entered by the Court cannot be used by any claimant to argue for or against requests for relief put forth by Indian tribes. For this reason,

IT IS ORDERED granting the motions for summary disposition and overruling the objection filed by the Navajo Nation.

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IT IS FURTHER ORDERED denying the Navajo Nation's Motion for Adoption of Supplemental Findings.

DATED this 22 day of February, 2007.

/s/ Eddward P. Ballinger, Jr.  
The Honorable Eddward P. Ballinger, Jr.  
JUDGE OF THE SUPERIOR COURT

A copy of this minute entry is mailed to all parties on the Court-approved mailing list for Contested Case No. W1-207.