

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN CHAMBERS (X) IN OPEN COURT ()

SPECIAL MASTER GEORGE A. SCHADE, JR.
Presiding

IN RE THE GENERAL ADJUDICATION
OF ALL RIGHTS TO USE WATER IN THE
GILA RIVER SYSTEM AND SOURCE

DATE: June 13, 2003
Nos. W-1, W-2, W-3, and W-4
(Consolidated)

CONTESTED CASE NAME: *In re San Pedro Riparian National Conservation Area* (a contested case not yet initiated).

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: The Special Master requests a status report from the United States and comments from persons who have been identified as potential parties in a contested case. The report is due on or before **August 29, 2003**, and comments from other persons are due on or before **October 3, 2003**.

NUMBER OF PAGES: 3; Attachment A - 3 pgs; Total - 6 pgs.

DATE OF FILING: Original filed with the Clerk of the Court on June 13, 2003.

ORDER

Although this matter has not been initiated as a contested case, in 1995, Special Master John E. Thorson prepared a proposed Court-approved mailing list of the claimants, landowners, lessees, and objectors listed in the watershed file reports ("WFRs") related to the San Pedro Riparian National Conservation Area ("SPRNCA"). The SPRNCA is a federal reservation of land, located within the San Pedro River Watershed, which Congress established in 1988. The WFRs were contained in the Final San Pedro River Watershed Hydrographic Survey Report (1991).

On July 20, 1995, Special Master Thorson sent out a proposed mailing list and requested comments about the accuracy of the information then available about potential parties in a contested case. On September 29, 1995, ASARCO Incorporated and Southern Pacific Transportation Company filed comments about the factual accuracy of some of the information.

Other parties filed motions to intervene in the anticipated contested case or related cases. Pending are Phelps Dodge Corporation's motion to intervene filed on March 2, 1995, and six joint motions to intervene in related cases filed by ASARCO and Magma Copper Company on September 29, 1995. Special Master Thorson did not take any action on the comments or rule on the motions to intervene because a contested case had not been initiated.

In November 2002, the Gila Steering Committee informed the Superior Court that "[t]he United States intends to submit amended claims to water for the SPRNCA in the spring of 2004."¹ The Superior Court did not include the determination of the United States' claims for the SPRNCA in its February 21, 2003, order listing the priorities for the Arizona Department of Water Resources' technical work.

The Special Master wants to hear from the United States about the progress of its work to file new or amended statements of claimant for the SPRNCA, including an anticipated date for the filing of new or amended claims, and also wishes to hear from the other persons listed in the proposed mailing list sent out on July 20, 1995, as to the merits of initiating a contested case at some point. These requests for information seek to determine the positions of the parties.

The office of the Special Master has updated the proposed mailing list that was sent out on July 20, 1995. The updated list is in Attachment A to this order. Known substitutions of legal counsel and new mailing addresses obtained from public sources have been included. If a party has retained legal counsel, only counsel is listed in Attachment A.

IT IS ORDERED:

1. The United States shall file on or before **Friday, August 29, 2003**, a status report (1) describing the work done or in progress to prepare new or amended statements of claimant for its claimed water rights within the SPRNCA, (2) indicating an anticipated date for the filing of new or amended claims, and (3) stating its position about initiating a contested case for those claims.

2. Any other person listed in Attachment A may file comments on or before **Friday, October 3, 2003**, stating their position about initiating a contested case for the United States' claims.

¹ Steering Committee Report on Claims or Issues for Court Consideration 4 (November 12, 2002), Gila River Adjudication Docket No. 3022.

3. A copy of the status report and comments shall be served personally or by mail on all persons listed in Attachment A to this order.

DATED: June 13, 2003.

/s/ George A. Schade, Jr.
GEORGE A. SCHADE, JR.
Special Master

The original was filed with the Clerk of the Maricopa County Superior Court on June 13, 2003, and was delivered to the Distribution Center for copying and mailing to all the persons listed in Attachment A.

/s/ KDolge
Kathy Dolge