

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: September 19, 2001

CIVIL NO. W1-11-556

CONTESTED CASE NAME: *In re Coronado National Memorial.*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: The Special Master requests that the United States and the objectors file a status report on or before December 21, 2001.

NUMBER OF PAGES - 3; Attachment A (Court-approved Mailing List) – 1; Total: 4 pages.

DATE OF FILING: Original sent to the Clerk of the Court on September 19, 2001.

ORDER

On June 3, 1996, former Special Master John Thorson stayed “all further proceedings in regard to the definition of the attributes of [ten] wells” for which the National Park Service, Coronado National Memorial, filed statements of claimant.¹ The stay was issued after the United States filed, on April 5, 1996, an unopposed Motion to Stay Further Proceedings. Earlier, on March 19, 1996, the United States and seven objectors² had filed a stipulation that

¹ The statements of claimant are numbers 39-8265, 39-11130(B), 39-11130(C), 39-11130(D), 39-11130(E), 39-11130(F), 39-11130(G), 39-11130(H), 39-13636, and 39-13637.

² The City of Phoenix did not sign the stipulation submitted to the Special Master.

stated in pertinent part, “The objectors agree to the United States filing a Motion to Stay All Proceedings in regard to the definition of the attributes of the [ten] wells...until after the appellate court resolution of Interlocutory Review Issue Nos. 2, 4 and 5.”³

In its response filed on July 17, 2000, to the Superior Court’s request for comments regarding the litigation of issues in the San Pedro River watershed, the United States stated:

“The United States is currently attempting to obtain a stipulation defining the attributes of its claims for federal reserved water rights to groundwater. In the event that these efforts are unsuccessful, [t]he United States believes the Memorial’s federal reserved claims are now appropriate for litigation.”⁴

The Court considered the response, and in its minute entry dated September 28, 2000, the Court determined that “in light of the United States’ comments with regard to the Coronado National Memorial,” “no specific scheduling of these claims will be undertaken at this time.”⁵

Prior to the stay issued in June 1996, the United States and the seven objectors were able to agree on abstracts of water rights attributes for three springs associated with statements of claimant number 39-11129(A), 39-11129(B), and 39-11130(A). These parties continued their discussions at least through last summer.

As the Arizona Supreme Court has issued opinions on interlocutory appeals numbers 2, 4, and 5, and the parties have continued discussions, the Special Master wishes to learn the prospects for either settlement or further litigation of all of these claims.

Accordingly, IT IS ORDERED:

1. The United States and the objectors in this contested case shall file on or before **Friday, December 21, 2001**, a report on the status of discussions regarding a full or partial settlement or further litigation of the claims associated with the ten wells and the three springs. The Special Master wishes to know if the three abstracts submitted with the stipulation filed on March 19, 1996, are still valid; what determinations, if any, need to be made by either the Court, Special Master, or the Arizona Department of Water Resources in order to facilitate the final disposition of this contested case; whether the parties have discussed a litigation schedule; and, if the Special Master should set a conference, and if so, when. Any other relevant information regarding the status of this contested case or its conclusion should be provided.

2. The parties shall promptly inform the Special Master of any corrections that should be made to the Court-approved mailing list for this contested case. Given the passage of

³ Stipulation, p. 3, lns. 22-26.

⁴ Response, p. 4, lns. 15-18.

⁵ Minute Entry, p. 4, lns. 3-6.

time, the Special Master added to and corrected the mailing list attached to this order based on previously provided information in other matters.

DATED: September 19, 2001.

GEORGE A. SCHADE, JR.
Special Master

The original of the foregoing sent on September 19, 2001, to the Clerk of Maricopa County Superior Court for filing; copies mailed to those parties who appear on the Court-approved mailing list for Case No. W1-11-556 dated September 19, 2001 (Attachment A).

Kathy Dolge