

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: August 30, 2005

CIVIL NO. W1-11-1174
(Consolidated)

ORDER SETTING PREHEARING
TELEPHONIC CONFERENCE

CONTESTED CASE NAME: *In re PWR 107 Claims.*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: The Special Master sets a telephonic conference on October 13, 2005, to address issues related to the joint status report on settlement negotiations filed by the United States and the San Carlos Apache Tribe and other matters.

NUMBER OF PAGES: 2.

DATE OF FILING: August 30, 2005.

On August 1, 2005, the United States and the San Carlos Apache Tribe submitted a joint status report on the progress of their discussions regarding the Apache Tribe's objections to the 30 claims filed on behalf of the Bureau of Land Management that are pending in this contested case.

The parties have reached agreement on 14 claims. The United States has requested forty-five days to execute the stipulations and file them along with the other stipulations reached with all other objectors. This request will be granted.

The United States and the Apache Tribe have requested that 9 other claims “be stayed for nine months to allow the BLM to revisit the water sources and complete its [Global Positioning Satellite] survey of the claimed locations.”

The parties are unable to resolve the objections to the remaining 7 claims. The “dispute centers on whether the claims are located on federal public lands or whether the claims are located within the reservation boundary.” The Apache Tribe has requested that a hearing be set to determine how to proceed in light of these circumstances. Both parties “suggest that the hearing be limited to whether the Court may proceed with a resolution of these objections irrespective of the boundary dispute.” A telephonic conference will be set to discuss how to proceed with these 7 claims.

IT IS ORDERED:

1. The United States and the Apache Tribe shall promptly execute the stipulations concerning the 14 claims on which they have reached agreement.

2. A telephonic conference shall be held on Thursday, October 13, 2005, at 10:00 a.m. (MST), to consider a stay of the 9 claims, how to proceed with the remaining 7 claims, the status of the objections of the City of Sierra Vista, a timeline for the Arizona Department of Water Resources’ review of the proposed abstracts of water rights, and proceeding to a partial decree for all the stipulated claims.

3. To enter the conference, counsel should call (602) 542-9008 from the telephone they will use. Each participant will bear any long distance telephonic charges.

DATED: August 30, 2005.

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

On August 30, 2005, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court-approved mailing list for Contested Case No. W1-11-1174 dated June 15, 2005.

/s/ KDolge
Kathy Dolge