

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 30, 2004

CIVIL NO. W1-11-1174
(Consolidated)

ORDER DIRECTING THE UNITED
STATES TO FILE
A STATUS REPORT AND
DIRECTING WILFORD H.
CLARIDGE TO FILE ANY
REQUIRED ASSIGNMENTS

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

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: The Special Master requests the United States to file on or before November 30, 2004, a status report and orders Mr. Wilford H. Claridge to file any required assignments of statements of claimant or other water right filings.

NUMBER OF PAGES: 3.

DATE OF FILING: September 30, 2004.

ORDER

A. Status Report of the United States

On August 27, 2004, the United States filed a report on the status of settlement negotiations. The United States has “drafted and distributed to the objecting parties a proposed

stipulation for the decree of water rights based on PWR 107 in the San Pedro River Watershed and the withdrawal and dismissal of certain PWR 107 claims.” The United States has received two executed stipulations and is negotiating others. The United States suggests that the Court set a deadline before the end of October for the submission of another status report.

On May 24, 2004, the Special Master indicated that he plans to direct the Arizona Department of Water Resources (“ADWR”) to review the settlement agreement and advise the Special Master of its recommendations regarding the agreement. In order to facilitate this process, the Special Master will direct the United States and the objecting parties to submit the executed settlement stipulation to ADWR, which shall within sixty days thereafter, review the stipulation and advise the Special Master of its recommendations.

ADWR’s review shall be limited to the accuracy and completeness of the factual information contained in the stipulated abstracts of water rights. During the course of ADWR’s review, if it would facilitate and expedite, but not delay, the process, ADWR, the United States, and the objecting parties may discuss and make factual corrections. The abstracts of water rights should be accurate and complete. The Special Master will consider any contested matters.

B. Assignments of Mr. Wilford H. Claridge

The United States indicated that Mr. Wilford H. Claridge has executed a stipulation resolving his objection, but based upon a recent conversation with Mr. Claridge’s daughter, “Mr. Claridge no longer claims a water right in the Gila River general stream adjudication.”

Pretrial Order No. 4 Re: Notification and Correction of Address Changes ¶ 2 (January 24, 2000) provides that:

A. Any person who has filed a statement of claimant in this adjudication shall notify the Arizona Department of Water Resources (ADWR) of any of the following changes in or concerning that person’s statement of claimant form: (1) a change in that person’s address; (2) an assignment of the statement of claimant form to another person; (3) a transfer to another person of all or part of the land for which a water right has been claimed; and (4) a transfer to another person of all or part of the water right claimed, if the claimed water right has been severed and transferred to another parcel of land.

B. Notice of any of [these] changes...shall be filed with ADWR within thirty (30) days of the change using a form approved by the Court.

Mr. Claridge’s objection identifies the Objector’s Watershed File Report as No. 115-02-011. This report lists numerous certificates of water right, applications, permits, registrations, and statements of claimant. Final San Pedro River Watershed HSR vol. 6, tbl. 4-23 (1991). If Mr. Claridge made any of these filings or others and no longer holds them, proper assignments should be filed with ADWR. The Special Master will direct Mr. Claridge to complete any required assignments of statements of claimant or other water use filings.

IT IS ORDERED:

1. The United States shall file on or before **Tuesday, November 30, 2004**, a report on the status of settlement negotiations.

2. After all the objectors have executed the settlement stipulation, and all the objections have been resolved, the United States shall submit the stipulation and proposed abstracts of water rights to ADWR. ADWR shall within sixty days thereafter review the stipulation and the proposed abstracts and advise the Special Master of its recommendations regarding the stipulation and abstracts.

A. ADWR's review shall be limited to the accuracy and completeness of the factual information contained in the stipulated abstracts of water rights. During the course of ADWR's review, if it would facilitate and expedite, but not delay, the process, ADWR, the United States, and the objecting parties may discuss and make factual corrections. The Special Master will consider any contested matters that require a determination.

3. Mr. Wilford H. Claridge shall promptly contact ADWR to determine if any assignments of water right filings must be executed and, if so, shall complete the assignments expeditiously. Ms. Ana Marquez is the person to contact at ADWR.

DATED: September 30, 2004.

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

A copy of the foregoing was mailed this 30th day of September 2004, to those parties who appear on the Court-approved mailing list for Contested Case No. W1-11-1174 (Consolidated) dated August 19, 2004.

/s/ KDolge
Kathy Dolge