

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

4/27/07

CLERK OF THE COURT
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

L. NEVENHOVEN
Deputy

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

Contested Case No. W1-208

FILED: May 11, 2007

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

In re Proposed Tohono O'odham
Nation Water Rights Settlement
Special Proceeding

MINUTE ENTRY

Courtroom 112 - Northeast Regional Court Center

10:07 a.m. This is the time set for Hearing on the Settling Parties' motions for summary disposition of objections and the Pascua Yaqui Tribe's Cross-Motion for Summary Disposition and Motion for Stay of Proceedings Pending Revisions to the Technical Report of the Arizona Department of Water Resources. Present are: Joe P. Sparks and Susan B. Montgomery on behalf of the Pascua Yaqui Tribe; John C. Lemaster on behalf of Phelps Dodge Corporation and Roosevelt Water Conservation District; Donald R. Pongrace, Vanessa Ray-Hodge, and Rodney B. Lewis on behalf of the Gila River Indian Community; F. Patrick Barry on behalf of the United States; William H. Anger on behalf of the Cities of Chandler, Glendale, Goodyear, Mesa, Peoria, and Scottsdale; Cynthia J. Haglin on behalf of the City of Chandler; John B. Weldon, Jr. on behalf of Salt River Project; Charlotte Benson on behalf of the City of Tempe; M. James Callahan on behalf of the City of Phoenix; Gregg A. Houtz on behalf of the State of Arizona; Robert B. Hoffman on behalf of ASARCO LLC and Farmers Investment Company; Judith M. Dworkin on behalf of the City of Tucson; Patrick B. Sigl on behalf of the Arizona Attorney General's Office; Scott M. Deeny on behalf of the Arizona Department of Water Resources; Diana McNair; Thomas E. Luebben, Phyllis Cachora, and Crescencio A. Lucinas on behalf of the San Xavier Allottees Association; Jonathan Jantzen on behalf of the Tohono O'odham

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Nation; Vernon J. Smith on behalf of the Tohono O'odham Nation's District Water Advisory Committee; Olivia Villegas-Liston on behalf of the Tohono O'odham Nation's Legislative Council; Gregory Lantz on behalf of the San Xavier District; and Kristina Fredricksen, paralegal of the Arizona Attorney General's Office. Marshall Marinakis is telephonically present on his own behalf. Special Master George A. Schade, Jr. is present.

Court reporter, Patty Connelly, is also present.

A recording of this proceeding is being made by CD (FTR).

The Court notes that with the exception of the Pascua Yaqui Tribe ("the Tribe") and Mr. Marshall Marinakis none of the claimants who have filed objections to the proposed water rights settlement agreement are in attendance.

The Court informs Ms. Diana McNair, who is not a licensed attorney, that she cannot act as legal counsel for Mr. Marinakis in this matter. Mr. Marinakis will have to appear personally or by legal counsel.

The Court, Mr. Sparks, and Mr. Barry discuss the representation of the Pascua Yaqui Tribe in this special proceeding. The Tribe has not filed a statement of claimant in the Gila River Adjudication, but the United States filed a claim on behalf of the Tribe.

Mr. Sparks states that the Tribe wants to present evidence showing how the proposed settlement would affect the Tribe's water rights. He states that the Tribe has not filed a statement of claimant but has been compiling information to file a claim at a future time.

The Court and Mr. Sparks discuss the language of the settlement agreement that states that the agreement shall not be construed to quantify or otherwise affect the water rights, claims, or entitlements to water for any Indian tribe, band, or community other than the Tohono O'odham nation.

Mr. Barry states that he is participating as the Secretary of the Interior's lawyer acting pursuant to the Congressional Act of this proposed settlement.

Mr. Dworkin reminds the Court of the December 31, 2007, deadline for a final non-appealable court order regarding this water rights settlement.

11:01 a.m. Court stands at recess.

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11:04 a.m. Court reconvenes. The above-listed parties and counsel are present.

Court reporter, Patty Connelly, is also present.

A recording of this proceeding is being made by CD (FTR).

Mr. Marinakis appears telephonically on his own behalf. Ms. Dworkin and Mr. Marinakis discuss how the settlement agreement would not affect Mr. Marinakis' claimed water rights. Mr. Marinakis' property and claimed water rights are in Prescott, Arizona.

IT IS ORDERED that counsel for the Settling Parties shall submit a form of order to the Court.

11:11 a.m. Matter concludes.

A copy of this order is mailed to all parties on the Court-approved mailing list for Contested Case No. W1-208.