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

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

CIVIL NO. W1-11-2690

ORDER DENYING MOTION
TO STAY DISCLOSURE AND
VACATE HEARING

CONTESTED CASE NAME: *In re Pima County Flood Control District*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: Motion to stay due date for filing disclosure statements and expert reports and vacate status conference denied.
NUMBER OF PAGES: 3.
DATE OF FILING: January 31, 2019

By minute entry dated June 19, 2018, a deadline of December 14, 2018 was set for the parties to file disclosure statements and expert report. On December 7, 2018, Pima County Flood Control District (PCFCD) filed a motion to extend the deadline to January 28, 2019. The motion was granted and a status conference was set for February 8, 2019. On January 28,

1 2019, Salt River Project and Arizona State Land Department timely filed Initial Rule 26.1
2 Disclosure Statements and Salt River Project filed an expert report. On January 28, 2019,
3 PCFCD filed a motion to stay disclosure and discovery and vacate the status conference set for
4 February 8, 2019, (the "Motion") representing that it had negotiated proposed abstracts for the
5 water rights at issue with all parties except the Tonto Apache Tribe and San Carlos Tribe (the
6 Tribes) because on January 22, 2019 the Tribes raised a chain of title issue.
7

8 Proposed abstracts for water rights were not attached to the Motion. Thus, a
9 determination cannot be made as to whether the resolution of the single issue identified by
10 PCFCD will resolve all objections to the water right characteristics involved in the abstracts. In
11 addition, PCFCD and the Arizona State Land Department have filed suggested corrections to
12 proposed abstracts issued. By February 4, 2019, the Tribes will be filing any suggested
13 corrections they may have to those abstracts. On February 1, 2019, Arizona Department of
14 Water Resources will be filing a report regarding the proposed abstract for 113-11-002-SW002.
15 Due to the uncertainty as to the status of the agreement among the parties to proposed abstracts,
16

17 IT IS ORDERED denying the Motion. The Tribes and PCFCD shall file Initial
18 Disclosure Statements and expert reports with respect to those issues that they believe are in
19 dispute by **February 5, 2019**. Based on the information received at the status conference, an
20 appropriate deadline will be set for the parties to file supplemental initial disclosure statements
21 and expert reports.
22

23 IT IS FURTHER ORDERED that the parties will provide proposed abstracts at the
24 status conference that contain water characteristics for which there is mutual agreement and
25 identify those specific water characteristics about which there is disagreement.
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27 IT IS FURTHER ORDERED that PCFCD will provide title documents at the status
28 conference that it has currently available concerning the land for which water rights are claimed.

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Susan Ward Harris
Special Master

The original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court on January 31, 2019, for filing and distributing a copy to all persons listed on the Court approved mailing list for Contested Case No. W1-11-2690.



Barbara Brown