

1  
2  
3  
4  
5  
6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
7 IN AND FOR THE COUNTY OF MARICOPA  
8

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

W-1 (Salt)  
W-2 (Verde)  
W-3 (Upper Gila)  
W-4 (San Pedro)  
(Consolidated)

12  
13 Contested Case No. W1-11-2805

14 **ORDER DENYING ASLD'S**  
15 **SECOND MOTION FOR**  
16 **STAY**

17 **CONTESTED CASE NAME:** *In re State Land Department – Paul L. Sale Investment Co.*

18 **HSR INVOLVED:** San Pedro River Watershed Hydrographic Survey Report.

19 **DESCRIPTIVE SUMMARY:** Arizona State Land Department's Second Motion to Stay is  
20 denied.

21 **NUMBER OF PAGES:** 4

22 **DATE OF FILING:** November 15, 2022

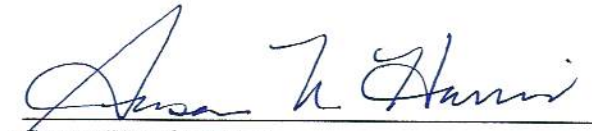
23 The Arizona State Land Department ("ASLD") filed a second motion to stay the case  
24 until there is a final order from the Superior Court on the issue of whether pre-1919 water rights  
25 are subject to statutory forfeiture. It makes the argument that if a decision were issued finding  
26 pre-1919 water rights cannot be forfeited, the parties and the Court will unnecessarily expend  
27 resources to reinstate this case. While this is not an unreasonable argument, the fact, as stated  
28

1 by the Gila River Indian Community, is that all issues in this case have been resolved so there  
2 are no proceedings remaining that can be stayed.


3 The Salt River Project joined with the ASLD's Motion and made the argument that a  
4 stay would serve the interests of judicial efficiency by possibly eliminating the need for the  
5 issuance of a Rule 53 report and associated briefing. The Rules for Proceedings Before the  
6 Special Master certainly do not contemplate that a Rule 53 must be prepared in each contested  
7 case. To the contrary, §14.00 directs that a decision for each contested case shall be prepared  
8 and those decision will be collectively submitted as part of the Master's Report as described in  
9 §16.00. There may be situations, however, whether the adjudication will be advanced by the  
10 submission of a decision as a Rule 53 Report to the Superior Court judge for review and  
11 decision. This contested case does not present such a situation. The issues presented in this  
12 case, other than the legal issues concerning the forfeitability of pre-1919 water rights, required a  
13 decision based on the facts and circumstances presented in this contested case.

14  
15 Accordingly,

16 **IT IS ORDERED** denying the Arizona State Land Department's Second Motion to  
17 Stay.

18  
19   
20 \_\_\_\_\_  
21 Susan Ward Harris  
22 Special Master

23 The original of the foregoing was delivered to the Clerk  
24 of the Maricopa County Superior Court on November  
25 15, 2022, for filing and distributing a copy to all persons  
26 listed on the Court approved mailing list for this  
27 Contested Case.

28   
\_\_\_\_\_  
Emily Natale

Court Approved Mailing List  
In re State Land Department - Paul L. Sale Investment Co., Contested Case No. W1-11-2805  
W1-11-2805 (15 Names)  
Prepared by the Special Master  
11/15/2022

---

Charles L. Cahoy, Asst. City  
Attorney  
Phoenix City Attorney's Office  
200 W. Washington 13th Flr.  
Phoenix, AZ 85003

Clerk of the Superior Court  
Maricopa County  
Attn: Water Case  
601 West Jackson Street  
Phoenix, AZ 85003

David F. Jacobs, Carrie J.  
Brennan  
and Kevin P. Crestin  
Arizona Attorney General  
Natural Resources Section  
2005 North Central  
Phoenix, AZ 85004

J. B. Weldon, M. A. McGinnis,  
M. K. Foy  
Salmon, Lewis & Weldon  
2850 E. Camelback Rd. Suite  
200  
Phoenix, AZ 85016

Jenny J. Winkler and Kelly  
Schwab  
City of Chandler  
City Attorney's Office  
Mail Stop 602, P. O. Box 4008  
Chandler, AZ 85244-4008

Joe P. Sparks and Laurel A.  
Herrmann  
The Sparks Law Firm, P.C.  
7503 First Street  
Scottsdale, AZ 85251-4573

John D. Burnside & Lucas J.  
Narducci  
Snell & Wilmer, L. L. P.  
One E. Washington Street,  
Suite 2700  
Phoenix, AZ 85004-2556

Josh Edelstein Phoenix Field  
Solicitor  
Office of the Solicitor  
U.S. Department of the Interior  
Sandra Day O'Connor U.S.  
Courthouse  
Ste. 404 401 W. Washington  
St., SPC 44  
Phoenix, AZ 85003

Kimberly R. Parks and Kome  
Akpolo  
Arizona Department of Water  
Resources  
1110 West Washington, Suite  
310  
Phoenix, AZ 85007

L. J. Caster, B.J. Heiserman, B.  
J. Pew  
Fennemore Craig, P.C.  
2394 East Camelback Road  
Ste 600  
Phoenix, AZ 85016-3429

Paul L. Sale  
Paul L. Sale Investment  
Company  
3313 E. Draper Circle  
Mesa, AZ

Richard Palmer, Jr and  
Jeremiah Weiner  
Lauren Mulhern  
ROSETTE, LLP.  
120 S. Ash Avenue, Suite 201  
Tempe, AZ 85281

S. Montgomery, R. Interpreter,  
J. Tomkus,  
Montgomery & Interpreter PLC  
3301 E. Thunderbird Road  
Phoenix, AZ 85032

Susan Ward Harris  
Special Master  
Central Court Building, Ste 3A  
201 West Jefferson  
Phoenix, AZ 85003-2205

Thomas L. Murphy  
Gila River Indian Community  
Office of the General Counsel  
P. O. Box 97  
Sacaton, AZ 85147