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4 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
5 IN AND FOR THE COUNTIES OF MARICOPA AND APACHE  
6

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

W-1, W-2, W-3, and W-4 (consolidated)  
and  
CV6417

11 IN RE THE GENERAL  
12 ADJUDICATION OF ALL RIGHTS  
13 TO USE WATER IN THE LITTLE  
14 COLORADO RIVER SYSTEM AND  
15 SOURCE

**ORDER CLARIFYING MOTION  
RESPONSE AND REPLY DEADLINES**

14 CONTESTED CASE NAME: N/A

15 DESCRIPTIVE SUMMARY: Holding that the Arizona Rules of Civil Procedure shall  
16 govern deadlines for motion replies and responses involving issues specific to a contested  
17 case, as opposed to those involving issues of broad legal importance.

18 NUMBER OF PAGES: 3

19 The first pretrial orders in the Gila River and Little Colorado River Adjudications  
20 stated that “[a]ny party filing a response to a motion in this proceeding shall do so within  
21 thirty-five (35) days of the date of service of the Motion.” W1–W4, Pretrial Order No. 1  
22 at 12 (May 29, 1986); CV 6417, Pretrial Order No. 1 at 11 (April 24, 1987) Further, the  
23 orders stated that “any party filing a Reply to any Response shall do so within twenty (20)  
24 days of the date of service or publication by docket sheet, whichever is first.” *Id.* These  
25 deadlines were to be extended by five (5) days under Rule 6 of the Arizona Rules of Civil  
26 Procedure to account for notice by mail. *Id.*

27 In 1991, the Court approved the *Rules for Proceedings Before the Special Master*  
28 (“the *Rules for Proceedings*”), which the Court intended to “supersede the inconsistent

1 provisions in earlier prehearing orders.” W1–W4 and CV 6417, Rules at 2. The *Rules for*  
2 *Proceedings* assert that “motions involving issues limited to an individual contested case  
3 shall be filed and considered under the general provisions of the Arizona Rules of Civil  
4 Procedure [and] Rule IV of the Uniform Rules of Practice pertaining to ‘Civil Motions.’”

5 Contradicting the first pretrial orders, Rule IV of the Uniform Rules of Practice  
6 stated: “Each opposing party shall within ten days [after the filing of a motion] serve and  
7 file any answering memorandum. Within five days thereafter the moving party may serve  
8 and file a memorandum in reply.” Unif. R. Prac. Super. Ct. IV(a) (abrogated Dec. 1,  
9 2000). Arizona Rule of Civil Procedure 7.1(a)(3) replicated the latter provision. Ariz. R.  
10 Civ. P. 7.1(a)(3). Arizona Rule of Civil Procedure 56(c)(2) also contradicts the first  
11 pretrial orders, asserting that “[a]n opposing party must file its response and any  
12 supporting materials within 30 days after the motion is served. The moving party must  
13 serve any reply memorandum and supporting materials 15 days after the response is  
14 served.” Ariz. R. Civ. P. 56(c)(2).

15 Because the adjudication statutes already provide that Arizona “procedural rules  
16 generally applicable to civil proceedings” govern general adjudications, the Court holds  
17 that, by restating the binding nature of the Rules of Arizona Civil Procedure in § 11.01,  
18 the Court intended to abrogate “inconsistent provisions in earlier prehearing orders.” *See*  
19 A.R.S. § 45-259; Rules for Proceedings at 2. Therefore, the Court concludes that  
20 deadlines for responses and replies to motions involving issues limited to an individual  
21 contested case are governed wholly by Arizona procedural rules.

22  
23 **IT IS ORDERED** that for all pending and future motions involving issues limited  
24 to an individual contested case, the Arizona Rules of Civil Procedure will govern  
25 deadlines for responses and replies.


26  
27 **IT IS ORDERED** that for all *pending* motions involving issues limited to an  
28 individual contested case, as opposed to issues of broad legal importance, deadlines for

1 responses and replies will be computed as follows:

- 2 • Where the response deadline has not passed, the response deadline will be  
3 computed using the Arizona Rules of Civil Procedure, treating the date of the  
4 filing of this order as the date of the service of the motion.
- 5 • Where the response deadline has passed, but the reply deadline has not, the reply  
6 deadline will be computed using the Arizona Rules of Civil Procedure, treating  
7 the date of the filing of this order as the date of the service of the relevant response.

8  
9 **IT IS ORDERED** that nothing in this order shall either extend or cut short any  
10 deadline in an individual contested case established either pursuant to an agreement  
11 between the parties or a schedule issued by the Court. Further, nothing in this order shall  
12 preclude the Court from approving an agreement to extend a deadline.

13  
14 Signed this 4<sup>th</sup> day of June 2024

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16   
17 Sherri L. Zendri  
Special Water Master

18  
19 On June 4, 2024, the original of  
20 the foregoing was delivered to the Clerk of the  
21 Apache County Superior Court for filing and  
22 distributing a copy to all persons listed on the  
23 Court-approved mailing list for Case No. CV6417  
24 and to the Clerk of the Maricopa County Superior  
25 Court for filing and distributing a copy to all  
26 persons listed on the Court-approved mailing list  
27 for Case No. W-1, W-2, W-3, W-4.

28  
  
29 Emily Natale