

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

HONORABLE MARK H. BRAIN

A. Melchert
Deputy

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

FILED: 02/19/2014

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

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

In Re United States' Motion for,
and Memorandum in Support of,
a Stay of Proceedings

In Fort Huachuca
W1-11-605

In re Aravaipa Canyon Wilderness Area
W1-11-3342

In Re United States' Motions for,
and Memorandum in Support of,
A Protective Order

In re San Pedro Riparian National
Conservation Area
W1-11-232

In Fort Huachuca
W1-11-605

In re Redfield Canyon Wilderness Area
W1-11-2664

In re Aravaipa Canyon Wilderness Area
W1-11-3342

In Re United States' Motions to
Suspend Schedule and Request
For Expedited Consideration

MINUTE ENTRY

The Court has received and considered the United States' Motion for, and Memorandum in Support of, a Stay of Proceedings (dated October 18, 2013), as well as the various responses and the reply.¹ Some of the litigants have requested oral argument, but the Court finds that the matters are fully briefed and argument would not be helpful. At bottom, the United States seeks to stay various contested cases until the Court has approved a subflow zone and the Arizona Department of Resources has supplemented its Hydrographic Survey Report for the San Pedro River Watershed. The United States claims this is necessary because it should only have to defend itself from "proper litigants" (motion at p. 12) under principles of standing. In the ordinary case, such an argument would make a great deal of sense, but this is not the ordinary case. Suffice it to say that in a case of this size and nature, it is virtually certain that the United States will face the same claims, pressed with the same amount of vigor, even after those who are pumping solely groundwater have been excluded. And, of course, those claims are being resolved on the merits, not by the "ayes and nays." Accordingly,

IT IS ORDERED denying the Motion for a Stay of Proceedings.

By Order dated December 13, 2013 (issued with the Court's consent and approval), Special Master Schade referred to this Court for determination six motions filed by the United States which were directly related to the motion for a stay of proceedings discussed above. Two motions were filed on November 13, 2013: (1) the Motion for a Protective Order filed in the contested case *In re Fort Huachuca*; and (2) the Motion for a Protective Order filed in the contested case *In Aravaipa Canyon Wilderness Area*. The other four motions were filed on November 27, 2013: (1) a Motion to Suspend Schedule in the contested case *In re San Pedro Riparian National Conservation Area*; (2) a Motion to Suspend Schedule in the contested case *In re Fort Huachuca*; (3) a Motion to Suspend Schedule in the contested case *In re Redfield Canyon Wilderness Area*; and (4) a Motion to Suspend Schedule in the contested case *In re Aravaipa Canyon Wilderness Area*.

IT IS ORDERED denying these motions.

A copy of this order is mailed to all persons listed on the Court approved mailing lists dated January 9, 2014, for the Gila River Adjudication, W-1, W-2, W-3, and W-4 (Consolidated), and the contested cases *In re San Pedro Riparian National Conservation Area*, W1-11-232, *In re Fort Huachuca*, W1-11-605, *In re Redfield Canyon Wilderness Area*, W1-11-2664, and *In re Aravaipa Canyon Wilderness Area*, W1-11-3342.

¹ On January 10, 2014, the United States filed a Motion to Exceed Page Limitation regarding its reply. That motion is GRANTED.