

1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
2 IN AND FOR THE COUNTY OF APACHE
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5 IN RE THE GENERAL ADJUDICATION OF
6 ALL RIGHTS TO USE WATER IN THE
7 LITTLE COLORADO RIVER SYSTEM AND
8 SOURCE

CV 6417

ORDER OF REFERENCE
REGARDING THE HOPI
RESERVATION HYDROGRAPHIC
SURVEY REPORT

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12 HSR INVOLVED: Hopi HSR.

13 DESCRIPTIVE SUMMARY: Order referring proceedings required by the issuance of the
14 Hopi HSR to the Special Master.

15 NUMBER OF PAGES: 3.
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19 On December 18, 2015, the Arizona Department of Water Resources (“ADWR”)
20 filed its Final Hydrographic Survey Report for the Hopi Reservation (“Hopi HSR”). The
21 Hopi HSR was prepared pursuant to the Court’s minute entry dated July 16, 2002. A
22 number of claimants filed written objections to the Hopi HSR during the 180 day objection
23 period from December 18, 2015, to June 15, 2016. Pursuant to this Court’s Order of
24 Appointment and Reference dated July 20, 2015 (“Initial Order of Reference”), the Special
25 Master shall conduct such hearings and take such testimony as shall be necessary to
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1 determine the relative water rights of each claimant in this proceeding. *See also* Arizona
2 Revised Statute §45-257(A)(1).

3 In the process of considering the claims for water rights by and on behalf of the Hopi
4 Tribe in the general case CV 6417 and in the specific case CV 6417-201, this Court has
5 issued orders that refer specific factual and legal issues to the Special Master. At this point
6 in the proceedings to further the efficiency of the adjudication and to address concerns
7 raised by a limited number of the parties regarding the scope of the Special Master's
8 authority, it is appropriate to reiterate that this Court has conveyed to the Special Master
9 those broad powers necessary to define the water rights of claimants in the general
10 adjudication of the Little Colorado River System and Source for the purposes of filing a
11 report with this Court under Rule 53(g) of the Arizona Rules of Civil Procedure. This
12 Order shall not be interpreted to limit the authority conveyed in the Initial Order of
13 Reference or by A.R.S. §45-257.
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17 **IT IS ORDERED:**

18 A. The Special Master shall organize the proceedings required by the issuance of
19 the Hopi HSR in a single case or in series of cases, assign case numbers, establish and
20 enforce schedules for the preparation of the case or cases, conduct hearings and take such
21 additional action necessary to consider the objections to the Hopi HSR and determine the
22 water rights asserted by the Hopi Tribe and by the United States on behalf of the Hopi Tribe
23 pursuant to their respective Statements of Claimant or listed in the Hopi HSR.
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1 B. This Court may from time to time reserve to itself consideration of
2 substantive legal issues in these proceedings upon its own motion, reference of the Special
3 Master or motion of the parties.

4 C. The Special Master shall submit findings of fact, conclusions of law, and
5 recommendations in a single report or a series of report to the Court.
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7 Dated: July 14, 2016

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10 Mark H. Brain
11 Judge of the Superior Court

12 On July 14, 2016, the original of the
13 foregoing was sent to the Clerk of the Apache
14 County Superior Court for filing and
15 distributing a copy to all persons listed on the
16 court approved mailing list for Contested Case
17 No. CV 6417.
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