

MARICOPA COUNTY CLERK OF SUPERIOR COURT

W1-205

Roosevelt Settlement Case

Doc. No File Date Document Description

1 09-23-1999 APPLICATION FOR AN ORDER FOR SPECIAL PROCEEDINGS TO APPROVE AN INDIAN WATER RIGHTS SETTLEMENT STIPULATION

SUMMARY: In accordance with the Special Procedural Order issued by the Supreme Court of Arizona on May 16, 1991, this is an application for an order for special proceedings to approve a stipulation dated September 23, 1999, to which the undersigned are parties, that partially settles the federally reserved and other water rights of the Gila River Indian Community and of the United States acting on behalf of the Community.

CLAIMANT NO: RWCD: 39-31367, -31380, -31382, -48943, -31370, -31381, -48492. USA for SCAT: 39-39-12170. SCAT: 39-12167 and -12676. GRIC: 39-11-5478, 39-05-41142, 39-07-12652, 39-U8-60083, 39-L8-36340, 39-L8-37360; USA for GRIC: United States

PAGES: 5 excluding attachments.

2 09-27-1999 MINUTE ENTRY

SUMMARY: On September 23, 1999, the Court met ex parte with attorneys representing the Gila River Indian Community, the Department of Interior, and the Roosevelt Water Conservation District, to consider an application for an order for special proceedings to approve an Indian water rights settlement. The Court reviewed the application submitted and found: 1) Indian water rights which are the subject of this proposed settlement are also the subject of a claim in this general stream adjudication action and therefore within the jurisdiction of this Court; 2) certain Indian water rights have been determined in the settlement agreement among the Gila River Indian Community, the United States and the Roosevelt Water Conservation District, who are parties in the adjudication and as to the RWCD with claims adverse to that of the Gila River Indian Community; 3) this Settlement agreement that settles certain Indian water rights of the Gila River Indian Community have been confirmed by agreement of the appropriate federal agency, namely the Department of the Interior; 4) the terms of the settlement agreement requires that it be approved by the general adjudication court and is conditioned upon such approval; and, 5) there are special circumstances that prevent the consideration of the settlement agreement in the normal course of the adjudication. The Court further finds that the application satisfies the requirements of Section B.1 of the Special Procedural Order of May 16, 1999. Upon request of the parties to the Application and due to the pendency of the Court's consideration of the proposed settlement involving the San Carlos Apache Tribe and others, the Court will not enter its Order for Special Proceedings at this time. The order will be entered after December 31, 1999. The original application and all attachments and all further proceedings under this application shall be assigned Contested Case No. W1-205.

CLAIMANT NO: Not Applicable

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003	03-10-2000	<p>MINUTE ENTRY DATED MARCH 6, 2000</p> <p><u>SUMMARY</u>: Status hearing of March 6, 2000. (1) PROPOSED PRETRIAL ORDER NO. 5 – the Court referred to Draft Pretrial Order NO. 5 re Notice of Hydrographic Survey Reports, Section 5 and stated that the notice of the objection period for a final HSR should be sent to all claimants in the general stream adjudication. ADWR stated the requirement that the objection notice be sent to all non-claimant water users within the geographic area covered by the report. ADWR further agreed that the 120-day Notice of filing final HSR should not be ordered sent to all claimants in the adjudication. (2) NOTICE TO ALLOTTEES OF GRIC HSR AND ROOSEVELT SETTLEMENT – Gila River Indian Community stated that they will be working with the Bureau of Indian Affairs and the Department of the Interior to identify the allottees and the claims made by the allottees. A report on the status of allottee identification will be made at the next status conference. Further indicated that because of other priorities, no action need be taken at this time on the Roosevelt Settlement, Case No. W1-205. (3) PREPARATION OF HSR'S FOR NON-INDIAN RESERVED RIGHTS CLAIMS – the United States presented to the Court an outline and information on the non-Indian federal reserved rights claims in the San Pedro Watershed. The United States further states its opposition to the issuance of a San Pedro HSR, as a final HSR for the San Pedro watershed was published in 1991. ADWR estimates that it would take three years to revise the San Pedro HSR and expresses concern that Issue #2 should be resolved before the HSR is revised. The Court asked the parties to consider whether any HSR's for non-Indian federal reserved rights claims could be initiated. The Court directs the Steering Committee to prioritize federal law claims and issues to be determined which are not dependent on Issue No. 2, and present its proposal for proceeding on those issues at the next status conference. The Court further directs GRIC to submit the allottees information to ADWR and for ADWR to develop by the next status conference a timeline on how to proceed with notice to the allottees on the GRIC HSR. (4) APPOINTMENT OF A SETTLEMENT JUDGE FOR THE GILA RIVER ADJUDICATION – the Court stated that parties in the Upper Gila River System settlement talks requested of Judge Michael Nelson that he facilitate the settlement negotiations. The Court explained that this request occurred at the same time the Court was inquiring of Judge Nelson whether he would be willing to consider acting as a settlement judge in this adjudication. Judge Nelson was subsequently appointed as a settlement judge for the issues under discussion in the Upper Gila River System. City of Phoenix expressed concern that there was no advance notice of Judge Nelson's appointment. (5) RECENT CAWCD SETTLEMENT – in response to question posed by the Court, the Central Arizona Water Conservation District, stated that a settlement has been entered between the federal government and the CAWCD to reduce the State's CAP debt. (6) GRIC'S SUPPLEMENT TO JOINT MOTION FOR STAY IN W1-203 AND W1-206 – after discussion with counsel and there being no opposition thereto, the Court orders adopting the schedule, in part, set forth on page 2 of the Supplement to Joint Motion for Stay. Schedule in Minute Entry. (6) DEADLINES IN W1-206, THE PRECLUSIVE EFFECT OF GLOBE EQUITY DECREE – after discussion with counsel, court grants an additional 60 days to file supplemental disclosure by all participating parties, motions for summary judgment, responses and replies. Dates in Minute entry. (7) APPLICATION TO APPEAR PRO HAC VICE SUBMITTED BY LESTER TAYLOR – the Court directs Mr. Taylor to clarify why he requested to appear for the Hualapai Tribe is no statement of claimant has been filed. Mr. Taylor can appear and be part of the Court-approved mailing list only if his client intends to submit to the jurisdiction of this Court and file its claims. (Continued on next page).</p>

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003	03-10-2000	MINUTE ENTRY DATED MARCH 6, 2000 (Continued from previous page) (8) STATE'S REQUEST TO CHANGE DESIGNATED REPRESENTATIVES TO STEERING COMMITTEE – Court orders appointing Mary Grier to the Steering Committee as representative of the State of Arizona Agency Claimants and designating Steve Wene to appear in her absence. (9) DISCUSSION OF PREPARATION OF HSR'S FOR THE REMAINING INDIAN RESERVATIONS AND WATERSHEDS – Court and counsel discuss the draft prepared on 2/14/2000 Re the Status of Indian Reservation Claims. Court directed the Steering Committee to submit a proposal prioritizing the schedule of HSR's for other Indian reservation claims and for watersheds by next status conference. LATER – IT IS ORDERED setting a status conference before this Court on May 2, 2000 at 2:00 p.m. <u>CLAIMANT NO:</u> Not Applicable

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Doc. No	File Date	Document Description
004	09-26-2000	<p><u>PAGES:</u> 8</p> <p>APPLICATION FOR EX PARTE ORDER APPROVING SUBSTITUTION OF COUNSEL AND AMENDING MAILING LIST</p> <p><u>SUMMARY:</u> Pursuant to Rule XII, Uniform Rules of Practice of the Superior Court of Arizona, Janet Napolitano, Attorney General of Arizona, hereby applies <i>ex parte</i> for an order approving the substitution of Assistant Attorneys General Graham M. Clark for Assistant Attorney General Mary Mangotich Grier, as counsel for the Defendant State of Arizona, in its capacity as a claimant in the above-captioned proceeding, and directing the Graham M. Clark be added to the official mailing list in this proceeding.</p> <p><u>CLAIMANT NO:</u> Not Applicable</p> <p><u>PAGES:</u> 2</p>
005	09-28-2000	<p>EX PARTE ORDER APPROVING SUBSTITUTION OF COUNSEL AND AMENDING MAILING LIST</p> <p><u>SUMMARY:</u> Ordered approving and settling formal written Orders in W1, W2, W3, and W4; W1-203; W1-204; W1-205; and W1-206 approving the substitution of Assistant Attorney General Graham M. Clark, Jr. as counsel for the State of Arizona as a claimant in this proceedings. It Is Further Ordered that the mailing list in this proceeding shall be amended t o delete name and address for Mary Mangotich Grier and to add in place Graham M. Clark, Jr.</p> <p><u>CLAIMANT NO:</u> Not Applicable</p> <p><u>PAGES:</u> 2</p>

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006	01-16-2002	APPLICATION FOR SUBSTITUTION OF COUNSEL <u>SUMMARY</u> : City of Mesa requests this Court to enter an order approving substitution of Mary P. Wade and Karen Nally as co-counsel of record for City of Mesa and directing that their names be added to the official mailing list in this proceedings as co-counsel of record for City of Mesa. <u>CLAIMANT NO</u> : None given <u>PAGES</u> : 2
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