

MARICOPA COUNTY CLERK OF SUPERIOR COURT

W1-206

In re the Preclusive Effect of the Globe Equity No. 59 Decree on Specified Parties

Doc. No File Date Document Description

201 01-16-2002 APPLICATION FOR SUBSTITUTION OF COUNSEL
SUMMARY: 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.
CLAIMANT NO: None given
PAGES: 2

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Doc. No	File Date	Document Description
202	03-20-2002	<p>ORDER APPROVING SUBSTITUTION OF COUNSEL</p> <p><u>SUMMARY:</u> IT IS ORDERED approving Application of Substitution. Mary P. Wade and Karen Nally are substituted as co-counsel of record for the City of Mesa in place of Neal J. Beets.</p> <p><u>CLAIMANT NO:</u> None given</p> <p><u>PAGES:</u> 1</p>
203	04-08-2002	<p>UNITED STATES’ NOTICE REGARDING STATEMENT OF CLAIMANT FOR GILA RIVER INDIAN COMMUNITY</p> <p><u>SUMMARY:</u> United States’ Notice regarding Statement of Claimant filed for the benefit of the Gila River Indian Community</p> <p><u>CLAIMANT NO:</u> None Given</p> <p><u>PAGES:</u> 2</p>
204	04-17-2002	<p>MINUTE ENTRY</p> <p><u>SUMMARY:</u> Minute entry regarding the Arizona Department of Water Resources’ Status Report for the Gila River Indian Reservation and the responses to this report filed by various parties. IT IS ORDERED, that ADWR shall evaluate each of the factors listed by the Arizona Supreme Court in the Gila V decision in connection with the preparation of the GRIR HSR. IT IS FURTHUR ORDERED, that ADWR shall report in accordance with A.R.S. proposed water right attributes for each claim investigated. IT IS FURTHUR ORDERED, that the United States and the Gila River Indian Community shall provide ADWR with all information and supporting documentation relating to their current and future land and water use planning within the area affected by the GRIR HSR. The United States and the Community may file amended statements of claimant relating to these, or any other, water uses on or before July 1, 2002. ADWR shall be entitled to rely on the representations contained in the materials submitted and claims filed on or before July 1, 2002 in connection with preparing the final GRIR HSR. IT IS FURTHUR ORDERED, that Judge Bolton’s directives to ADWR regarding evaluation of the physical factors of water use and supply and land arability shall remain in effect. IT IS FURTHUR ORDERED, that ADWR shall complete and publish the final GRIR HSR expeditiously.</p> <p><u>CLAIMANT NO:</u> Not applicable</p> <p><u>PAGES:</u> 3</p>
205	04-19-2002	<p>(CORRECTED) SAN CARLOS APACHE TRIBE’S SEPARATE STATEMENT OF FACTS IN SUPPORT OF MOTIONS FOR SUMMARY JUDGMENT RE PRECLUSIVE EFFECTS OF THE GLOBE EQUITY NO. 59 DECREE AND OTHER PRIOR AGREEMENTS OF DECREES ON WATER RIGHTS OF THE SAN CARLOS APACHE TRIBE</p> <p><u>SUMMARY:</u> San Carlos Apache Tribe’s Corrected Statement of Facts in Support of Motions for Summary Judgment</p> <p><u>CLAIMANT NO:</u> 39-12167, et al.</p> <p><u>PAGES:</u> 99</p>

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206	04-19-2002	<p>NOTICE OF ERRATA TO SAN CARLOS APACHE TRIBE'S SEPARATE STATEMENT OF FACTS IN SUPPORT OF MOTIONS FOR SUMMARY JUDGMENT RE PRECLUSIVE EFFECT OF THE GLOBE EQUITY NO. 59 DECREE AND OTHER PRIOR AGREEMENTS OR DECREES ON WATER RIGHTS OF THE SAN CARLOS APACHE TRIBE</p> <p><u>SUMMARY:</u> Notice of Errata to San Carlos Apache Tribe's Separate Statement of Facts in Support Of Motions for Summary Judgment re Preclusive Effect of the Globe Equity No. 59 Decree and Other Prior Agreements or Decrees on Water Rights of the San Carlos Apache Tribe <u>CLAIMANT NO:</u> 39-12167, et al. <u>PAGES:</u> 16</p>
207	04-19-2002	<p>NOTICE OF ERRATA TO SAN CARLOS APACHE TRIBE'S MOTION FOR SUMMARY JUDGMENT RE PRECLUSIVE EFFECT OF THE GLOBE EQUITY NO. 59 DECREE AND OTHER PRIOR AGREEMENTS OR DECREES ON WATER RIGHTS OF THE SAN CARLOS APACHE TRIBE</p> <p><u>SUMMARY:</u> Notice of Errata to San Carlos Apache Tribe's Motion for Summary Judgment re Preclusive Effect of the Globe Equity No. 59 Decree and Other Prior Agreements or Decrees on Water Rights of the San Carlos Apache Tribe <u>CLAIMANT NO:</u> 39-12167, et al. <u>PAGES:</u> 5</p>
208	04-23-2002	<p>MOTION TO STRIKE SAN CARLOS APACHE TRIBE'S NOTICE OF ERRATA AND "CORRECTED" STATEMENT OF FACTS</p> <p><u>SUMMARY:</u> The Gila Valley and Franklin Irrigation Districts move to strike the San Carlos Apache Tribe's notice of errata and "corrected" statement of facts. <u>CLAIMANT NO:</u> 39-U862840-62850, et al. <u>PAGES:</u> 5</p>
209	04-23-2002	<p>RESPONSE TO GILA VALLEY AND FRANKLIN IRRIGATION DISTRICT'S MOTION TO STRIKE SAN CARLOS APACHE TRIBE'S NOTICE OF ERRATA AND "CORRECTED" STATEMENT OF FACTS</p> <p><u>SUMMARY:</u> Reply to Gila Valley and Franklin Irrigation District's Motion to Strike San Carlos Apache Tribe's Notice of Errata and "Corrected" Statement of Facts <u>CLAIMANT NO:</u> 39-12167, et al. <u>PAGES:</u> 5</p>
210	04-24-2002	<p>APACHE TRIBES' NOTICE OF FILING FOURTH SUPPLEMENTAL DISCLOSURE STATEMENT</p> <p><u>SUMMARY:</u> Apache Tribe's Notice of Filing Fourth Supplemental Disclosure Statement <u>CLAIMANT NO:</u> 39-12167, et al. <u>PAGES:</u> 2</p>
211	04-29-2002	<p>NOTICE OF APACHE TRIBES' AMENDMENT TO FOURTH SUPPLEMENTAL DISCLOSURE STATEMENT</p> <p><u>SUMMARY:</u> Apache Tribes' Amendment to Fourth Supplemental Disclosure Statement <u>CLAIMANT NO:</u> 39-12167, et al. <u>PAGES:</u> 4</p>

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212	04-29-2002	<p>SECONDARY NOTICE OF ERRATA TO SAN CARLOS APACHE TRIBE'S MOTION FOR SUMMARY JUDGMENT AND SEPARATE STATEMENT OF FACTS IN SUPPORT OF MOTIONS FOR SUMMARY JUDGMENT RE PRECLUSIVE EFFECT OF THE GLOBE EQUITY NO. 59 DECREE AND OTHER PRIOR AGREEMENTS OR DECREES ON WATER RIGHTS OF THE SAN CARLOS APACHE TRIBE</p> <p><u>SUMMARY</u>: Secondary Notice of Errata to San Carlos Apache Tribe's Motion for Summary Judgment and Separate Statement of Facts in Support Of Motions for Summary Judgment re Preclusive Effect of the Globe Equity No. 59 Decree and Other Prior Agreements or Decrees on Water Rights of the San Carlos Apache Tribe</p> <p><u>CLAIMANT NO</u>: 39-12167</p> <p><u>PAGES</u>: 3</p>
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213	05-17-2002	MINUTE ENTRY <u>SUMMARY:</u> Minute entry regarding hearing on pending motions. GRIC's Motion to Remove Phelps Dodge Corporation as a Named Party To and From Participation or Consideration in GRIC'S Motion for Partial Summary Judgement (Docket No. 099). Stipulation between Buckeye Irrigation Company/ Buckeye Water Conservation and Drainage District and San Carlos Apache Tribe (Docket No. 154).
214	05-17-2002	ORDER <u>SUMMARY:</u> Order signed by Judge Ballinger on May 17, 2002. IT IS ORDERED: (1) Granting GRIC's Motion to Remove Phelps Dodge as a Named Party from GRIC's Motion for Partial Summary Judgement. (2) Directing SCAT and the Buckeye organizations to submit a joint form of order memorializing the terms of their stipulation filed in this matter on June 20, 2001. (3) Rescinding this court's order dated June 27, 2001, denying Safford's Motion to Strike GRIC's Motion for Partial Summary Judgement. The court has now considered the merits of the legal issues raised by Safford's motion. (4) Granting Safford's Motion to Strike GRIC's Motion for Partial Summary Judgement to the extent that GRIC's motion seeks relief as to claimants who are not parties in this contested case. (5) Denying GRIC's alternative motion to include in this contested case other parties, in addition to SCAT, GVID, AND FID, who are in privity with owners or are claimants of water rights decreed in United States v. Gila Valley Irr. Dist. Globe Equity No. 59 (D. Ariz. 1935) (the "Globe Equity Decree"). (6) Granting the motions for summary judgment filed by GRIC, SCAT, Safford, GVID and FID jointly, SCIDD, Phelps Dodge, and ASARCO to the extent that these motions seek a determination that preclusive effect of the Globe Equity Decree is applicable to the parties consistent with the findings and conclusions set forth in this court's Amended Order dated February 20, 2002, that was entered in Contested Case No. W1-203. (7) Denying ASARCO's Motion for Summary Judgement on the issue of whether ASARCO's water right relating to the San Carlos River, decreed to ASARCO's predecessor in interest in the Globe Equity Decree, precludes SCAT from claiming a water right to the San Carlos River in the Gila River Adjudication. Genuine disputes regarding material facts preclude granting summary judgement on the claims to the San Carlos River asserted in the Gila River Adjudication by ASARCO and SCAT. (8) Denying the Motion for GVID and FID to Strike SCAT's Notice of Errata and "Corrected" Statement of Facts. IT IS FURTHER ORDERED: The Arizona Department of Water Resources shall prepare subsequent hydrographic survey reports in accordance with the determinations made in this Order. <u>CLAIMANT NO:</u> Not Applicable <u>PAGES:</u> 3

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215	06-03-2002	SAN CARLOS APACHE TRIBE'S MOTION TO ALTER OR AMEND JUDGEMENT <u>SUMMARY</u> : San Carlos Apache Tribe's Motion to Alter or Amend Judgement. <u>CLAIMANT NO</u> : 39-12167, et al. <u>PAGES</u> : 16
216	07-15-2002	ASARCO INCORPORATED'S RESPONSE TO SAN CARLOS APACHE TRIBE'S MOTION TO ALTER OR AMEND JUDGEMENT <u>SUMMARY</u> : ASARCO Incorporated responds in opposition to the San Carlos Apache Tribe's Motion to Alter or Amend Judgement, dated June 3, 2002. <u>CLAIMANT NO</u> : 39-U8-62699 et al. <u>PAGES</u> : 5
217	07-15-2002	RESPONSE TO THE SAN CARLOS APACHE TRIBE'S MOTION TO ALTER OR AMEND JUDGMENT <u>SUMMARY</u> : The Gila Valley and Franklin Irrigation District's Respond to the San Carlos Apache Tribe's Motion to Alter or Amend Judgment submitted on June 3, 2002. <u>CLAIMANT NO</u> : 39-U862840-62850 et al. <u>PAGES</u> : 7
218	07-29-2002	SAN CARLOS APACHE TRIBE'S MOTION TO EXPEDITE DECISION RE: SAN CARLOS APACHE TRIBE'S MOTION TO ALTER OR AMEND JUDGEMENT AND CONSOLIDATED REPLY TO UNTIMELY RESPONSES BY ASARCO AND GVID <u>SUMMARY</u> : San Carlos Apache Tribe's Motion to Expedite Decision Re: San Carlos Apache Tribe's Motion to Alter or Amend Judgement and Consolidated Reply to Untimely Responses by ASARCO and GVID. <u>CLAIMANT NO</u> : 39-12167, et al. <u>PAGES</u> : 5
219	08-27-2002	MINUTE ENTRY <u>SUMMARY</u> : IT IS ORDERED, nunc pro tunc amending the minute entry dated August 21, 2002 to reflect the correct caption and mailing list. The Order is as follows: The Court has reviewed San Carlos Apache Tribe's to Alter or Amend Judgement. Motion has been denied. <u>CLAIMANT NO</u> : Not Applicable <u>PAGES</u> : 1
220	08-22-2002	NOTICE OF CHANGE OF ADDRESS OF COUNSEL FOR ARIZONA PUBLIC SERVICE COMPANY, PHELPS DODGE CORPORATION AND ROOSEVELT WATER CONSERVATION DISTRICT <u>SUMMARY</u> : Claimants Arizona Public Service Company, Phelps Dodge Corporation and Roosevelt Water Conservation District give notice of their counsel's change of address on the Court-approved mailing list. <u>CLAIMANT NO</u> : None Given <u>PAGES</u> : 3

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221	10-16-2002	NOTICE OF CHANGE OF CONTACT PERSON AND ADDRESS FOR PHELPS DODGE CORPORATION <u>SUMMARY</u> : Claimant Phelps Dodge Corporation gives notice of its change of contact person and address, and requests that Lawrence J. Corte be substituted in place of Dawn G. Meidinger on the Court-approved mailing list. <u>CLAIMANT NO</u> : 39-62935, et al. <u>PAGES</u> : 3
222	11-18-2002	ORDER APPROVING CHANGE OF CONTACT PERSON AND ADDRESS FOR PHELPS DODGE CORPORATION <u>SUMMARY</u> : Order signed on October 17, 2002 by Judge Ballinger. IT IS ORDERED that Lawrence J. Corte be substituted in place of Dawn G. Meidinger as the in-house contact person for Phelps Dodge Corporation on the Court-approved mailing list. IT IS ALSO ORDERED that the address for Phelps Dodge Corporation be corrected on the Court-approved mailing list for this action. <u>CLAIMANT NO</u> : Not Applicable <u>PAGES</u> : 2
