

MARICOPA COUNTY CLERK OF SUPERIOR COURT

W1-209

In re Amended and Restated White Mountain Apache Tribe Water Rights Quantification Agreement

Doc. No	File Date	Document Description
001	04-16-2014	<p>APPLICATION FOR AN ORDER FOR SPECIAL PROCEEDINGS TO APPROVE AN INDIAN WATER RIGHTS SETTLEMENT STIPULATION</p> <p><u>SUMMARY</u>: In accordance with the Special Procedural Order issued by the Supreme Court of Arizona on May 16, 1991 ("Special Procedural Order"), this is an application for an Order for Special Proceedings to approve: (1) the Amended and Restated White Mountain Apache Tribe Water Rights Quantification Agreement dated as of November 1, 2012 (referred to herein as the "WMAT Agreement"); (2) a Stipulation dated as of December 20, 2013, to which the undersigned are parties describing the principal terms of the WMAT Agreement; and (3) the proposed Final Judgment and Decree ("Proposed Judgment") permanently adjudicating the water rights of the White Mountain Apache Tribe ("WMAT") under the WMAT Agreement.</p> <p><u>CLAIMANT NO</u>: 39-07-1040, et al.</p> <p><u>PAGES</u>: 9 + 943 (attachments) = 952 total pages</p>
002	04-17-2014	<p>NOTICE OF APPEARANCE</p> <p><u>SUMMARY</u>: COMES NOW, Robert C. Brauchli, attorney for the White Mountain Apache Tribe, in the above-entitled and numbered case, and hereby enters his Notice of Appearance as the attorney of record for the White Mountain Apache Tribe which has filed claims in the Gila River General Stream Adjudication.</p> <p><u>CLAIMANT NO</u>: None given.</p> <p><u>PAGES</u>: 2</p>
003	04-17-2014	<p>MOTION TO BE ADDED TO COURT-APPROVED MAILING LIST</p> <p><u>SUMMARY</u>: COMES NOW, Robert C. Brauchli, attorney for the White Mountain Apache Tribe, in the Above-entitled and numbered case, and hereby moves the court for an Order (proposed Order attached), adding him to the court-approved mailing list for the Gila River General Stream Adjudication as the attorney of record for the White Mountain Apache Tribe.</p> <p><u>CLAIMANT NO</u>: None given.</p> <p><u>PAGES</u>: 3</p>
004	04-28-2014	<p>ORDER GRANTING MOTION TO BE ADDED TO COURT-APPROVED MAILING LIST</p> <p><u>SUMMARY</u>: IT IS ORDERED that Robert C. Brauchli, attorney at law, be added to the court-approved mailing list as attorney of record for the White Mountain Apache Tribe in the above-entitled and numbered case.</p> <p><u>CLAIMANT NO</u>: None given.</p> <p><u>PAGES</u>: 1</p>
005	04-29-2014	<p>ORDER FOR SPECIAL PROCEEDINGS FOR CONSIDERATION OF THE AMENDED AND RESTATED WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION AGREEMENT</p> <p><u>SUMMARY</u>: Order of Judge Mark Brain, approving application of Settling Parties, filed April 16, 2014, to commence special proceedings to consider the Amended and Restated White Mountain Apache Tribe Water Rights Quantification Agreement dated as of November 1, 2012, ("WMAT Agreement"), which permanently resolves the claims for water rights of the White Mountain Apache Tribe and its Members, and the United States acting in its capacity as trustee for the White Mountain Apache Tribe and its Members.</p> <p><u>CLAIMANT NO</u>: None given.</p> <p><u>PAGES</u>: 10 + 26 (attachments) = 36 total pages</p>

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006	05-05-2014	MINUTE ENTRY <u>SUMMARY</u> : This is the time set for an initial permissible ex-parte hearing concerning the application of the Settling Parties to consider the Amended and Restated White Mountain Apache Tribe Water Rights Quantification Agreement dated as of November 1, 2012 ("WMAT Agreement"). <u>CLAIMANT NO</u> : None given. <u>PAGES</u> : 2
007	05-30-2014	NOTICE OF SERVICE <u>SUMMARY</u> : Notice of Service. <u>CLAIMANT NO</u> : None given. <u>PAGES</u> : 3

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008	07-29-2014	NOTICE OF COMPLIANCE WITH COURT ORDER <u>SUMMARY</u> : Notice of Compliance With Court Order. <u>CLAIMANT NO</u> : None given. <u>PAGES</u> : 4 + 7 (attachments) = 11 total pages
009	07-29-2014	ARIZONA DEPARTMENT OF WATER RESOURCES' NOTICE OF FILING "TECHNICAL ASSESSMENT OF THE WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION AGREEMENT". <u>SUMMARY</u> : Notice of filing a report prepared by the Arizona Department of Water Resources titled "Technical Assessment of the White Mountain Apache Tribe Water Rights Quantification Agreement." <u>CLAIMANT NO</u> : None given. <u>PAGES</u> : 3 + 77 (attachment) = 80 total pages

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Doc. No **File Date** **Document Description**

010 **08-08-2014** **NOTICE OF CHANGE OF FIRM**

SUMMARY: Pursuant to Rule 5.1 (b), Arizona Rules of Civil Procedure, the Clerk of Court, Court Administrator, the assigned Judge, and all the parties appearing in this action are notified that counsel for Plaintiff BHP Copper Inc. will relocate and affiliate with the following firm at the following address effective August 1, 2014:

Lucas J. Narducci
Margaret Bushman LaBianca
SNELL & WILMER
One Arizona Center
400 E. Van Buren, Suite 1900
Phoenix, Arizona 85004-2202
Telephone: 602.382.6000
Facsimile: 602.382.6070
E-Mail: lnarducci@swlaw.com
mlabianca@swlaw.com

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Doc. No	File Date	Document Description
011	09-04-2014	OBJECTION TO THE AMENDED AND RESTATED WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION AGREEMENT <u>SUMMARY</u> : Objection filed by Earl and Dorothy Zarbin <u>CLAIMANT NO</u> : None given. <u>PAGES</u> : 15
012	09-09-2014	OBJECTION <u>SUMMARY</u> : Objection filed by David Maher. <u>CLAIMANT NO</u> : None given. <u>PAGES</u> : 4
013	09-09-2014	OBJECTION <u>SUMMARY</u> : Objection filed by Yolanda Moneglia. <u>CLAIMANT NO</u> : None given. <u>PAGES</u> : 2
014	09-09-2014	OBJECTION <u>SUMMARY</u> : Objection filed by Anthony Esparza. <u>CLAIMANT NO</u> : None given. <u>PAGES</u> : 1
015	09-09-2014	OBJECTION <u>SUMMARY</u> : Objection filed by Allen L. Merz. <u>CLAIMANT NO</u> : None given. <u>PAGES</u> : 1
016	09-09-2014	OBJECTION <u>SUMMARY</u> : Objection filed by Lee Bringhurst. <u>CLAIMANT NO</u> : None given. <u>PAGES</u> : 1
017	09-16-2014	OBJECTION <u>SUMMARY</u> : Objection filed by Vance McDonald. <u>CLAIMANT NO</u> : None given. <u>PAGES</u> : 33
018	09-22-2014	OBJECTION <u>SUMMARY</u> : Objection filed by Benjamin Wade Brakefield. <u>CLAIMANT NO</u> : None given. <u>PAGES</u> : 6

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019 09-29-2014 SETTLING PARTIES' RESPONSE TO OBJECTIONS AND MOTION FOR SUMMARY DISPOSITION; ORAL ARGUMENT REQUESTED

SUMMARY: Certain parties (referred to herein as the "Settling Parties") to the Amended and Restated White Mountain Apache Tribe Water Rights Quantification Agreement dated as of November 1, 2012 (referred to herein as the "WMAT Agreement") submit their Responses and Motions for Summary Disposition with respect to the objections of Earl A. and Dorothy M. Zarbin, Yolanda Moneglia, Allen Merz, Lee Bringham, David Maher, Vance L. McDonald, Anthony B. Esparza, and Benjamin Wade and Jacqueline Faye Brakefield to the WMAT Agreement. The Settling Parties further request that, upon disposition of the objections, the Court approve: (1) the Stipulation attached as Exhibit A to the Application for an Order for Special Proceedings filed in this contested case on April 6, 2014; and (2) the WMAT Agreement attached as Exhibit A to the Stipulation. Finally, the Settling Parties request that the Court enter the Judgment and Decree attached as Exhibit B to the Stipulation.

CLAIMANT NO: 39-07-1040, et al.

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Doc. No **File Date** **Document Description**

020 **10-16-2014** **MR. MCDONALD'S ANSWER TO THE SETTLING PARTIES' MOTION FOR SUMMARY DISPOSITION**
SUMMARY: Mr. Vance McDonald's Answer to the Settling Parties' Motion for Summary Disposition.
CLAIMANT NO: None given.
PAGES: 19

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Doc. No	File Date	Document Description
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021	11-24-2014	SETTLING PARTIES' REPLY IN SUPPORT OF MOTION FOR SUMMARY DISPOSITION OF MCDONALD OBJECTION
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SUMMARY: Certain parties (referred to herein as the "Settling Parties") to the Amended and Restated White Mountain Apache Tribe Water Rights Quantification Agreement dated as of November 1, 2012 (referred to herein as the "WMAT Agreement") submit their Reply to the Response of Objector Van L. McDonald to the Settling Parties Motion for Summary Disposition filed on September 29, 2014. No other responses having been filed, the Settling Parties request that the Court grant the Motion for Summary Disposition as to all objections and approve: (1) the Stipulation attached as Exhibit A to the Application for an Order for Special Proceedings filed in this contested case on April 6, 2014; and (2) the WMAT Agreement attached as Exhibit A to the Stipulation. Finally, the Settling Parties request that the Court enter the Judgment and Decree attached as Exhibit B to the Stipulation.

CLAIMANT NO: 39-07-1040, et al.

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Doc. No	File Date	Document Description
022	12-01-2014	MINUTE ENTRY <u>SUMMARY</u> : IT IS ORDERED setting oral argument for December 18, 2014 at 1:30 p.m. (MST) (time allotted: 2 hours) in this division on the following matters: Settling Parties' Response to Objections to the Amended and Restated White Mountain Apache Tribe Waters Rights Quantification Agreement and Motion for Summary Dispositions filed in Contested Case No. W1-209; Settling Parties' Response to Objections to the Amended and Restated White Mountain Apache Tribe Water Rights Quantification Agreement and Motion for Summary Dispositions filed in Contested Case No. CV 6417-202. <u>CLAIMANT NO</u> : None given. <u>PAGES</u> : 2
023	12-09-2014	NOTICE OF RECEIPT OF WITHDRAWAL OF MERZ AND MAHER OBJECTIONS; ORAL ARGUMENT REQUESTED <u>SUMMARY</u> : The Salt River Project Agricultural Improvement and Power District and the Salt River Valley Water Users' Association (collectively, "SRP") hereby notifies the Court and the parties to this contested case of SRP's receipt of correspondence from objectors Allen Merz and David Maher withdrawing their objections to the Amended and Restated White Mountain Apache Tribe Water Rights Quantification Agreement dated as of November 1, 2012 (referred to herein as the "WMAT Agreement") ("WMAT Agreement"). <u>CLAIMANT NO</u> : 39-07-1040, et al. <u>PAGES</u> : 3 + 5 (attachments) = 8 total pages
024	12-18-2014	WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION SETTLEMENT JUDGMENT AND DECREE <u>SUMMARY</u> : The Court has considered the Amended and Restated White Mountain Apache Tribe Water Rights Quantification Agreement dated as of November 1, 2012 ("WMAT Agreement"), including all exhibits thereto, which permanently resolves the Water Rights claims of the WMAT and of the United States acting in its capacity as trustee for the White Mountain Apache Tribe and its Members, to the Gila River System and Source for land within the exterior boundaries of the Reservation and Off-Reservation Trust Land. Upon publication in the Federal Register by the United States Secretary of Interior of a statement of findings that all of the actions necessary to make the WMAT Agreement effective have been completed, as required by section 309(d)(1) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010, Public Law 111-291, Title III, 124 Stat. 3064, 3073 (2010) ("Act"), this Judgment and Decree shall be enforceable. <u>CLAIMANT NO</u> : None given. <u>PAGES</u> : 11 + 53 (attachments) = 64 total pages
025	12-19-2014	MR. MCDONALD'S RESPONSE TO SETTLING PARTIES' MOTION FOR SUMMARY DISPOSITION <u>SUMMARY</u> : Mr. Vance McDonald's Response To Settling Parties' Motion for Summary Disposition. <u>CLAIMANT NO</u> : None given. <u>PAGES</u> : 2
